

THE SKIN
HARRY THAW
CASE
OR A WOMAN'S SACRIFICE



BY
RENÉ H. SCHWELL

A GRIPPING STORY OF MURDER AND
EVERYDAY COURTS-MARTIAL

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Other Juries Compared With That in the Thaw Trial.

<i>Trial.</i>	<i>Jury was out</i>	<i>Verdict.</i>
Thaw.....	47 hours 8 minutes	... Disagreement.
William J. Koerner	59 hours 10 minutes..	First degree.
Nan Patterson (first).....		Mistrial.
Nan Patterson (second).....	24 hours.....	Disagreement.
Nan Patterson (third).....	11 hours 35 minutes..	Disagreement.
Roland B. Molineux (first)....	8 hours	First degree.
Roland B. Molineux (second) .	25 minutes.....	Not guilty.
Albert T. Patrick.....	2 hours.....	First degree.
Guldensuppe case.....	3 hours.....	First degree.
Boscchieter case.....	4 hours.....	Second degree
Carlisle W. Harris.....	1 hour 10 minutes..	First degree.
Dr. Buchanan.....	28 hours.....	First degree.
Dr. S. J. Kennedy (first).....	3 hours 13 minutes..	First degree.
Dr. S. J. Kennedy (second) ..	6 hours 35 minutes..	Disagreement.
Dr. S. J. Kennedy (third)....	22 hours 5 minutes...	Disagreement.
Burton C. Webster (first).....	19 hours.....	Disagreement.
Burton C. Webster (second) ..	4 hours	Manslaughter.
David Hannigan.....	6 hours 20 minutes..	Not guilty.



MADISON SQUARE GARDEN
The Scene of the Thaw-White Tragedy.



THE TOMBS PRISON
Window in Circle Marks Thaw's Cell.

THE GREAT
HARRY THAW CASE
OR
A Woman's Sacrifice

BY
BENJ. H. ATWELL

A graphic and truthful narrative of the most sensational case in modern jurisprudence. A thrilling account of a young girl's struggles in her battle for fame and fortune, and the unconquered love of the man who has baffled the world's greatest alienists; with portraits of many leading characters, famous society leaders and noted actresses who have made this case the talk of America and Europe

ILLUSTRATED

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P R E F A C E .

A great trial has come to a close. It has attracted the attention of the entire civilized world for three widely separated and distinctly defined reasons—the unusual degree of heart interest underlying the tragedy that brought it about; the startling and sensational disclosures of life in the great metropolis, and the legal precedents established, particularly in relation to the universal, unwritten law.

Realizing that this remarkable case is destined to be more than a passing sensation of the hour or the year; that it will exercise a wide influence on the thought and lives of uncounted thousands, it has seemed meet that a carefully prepared, clean and accurate record should be given the world in permanent form.

This, because its eloquent sermon cost too great a price to be lost, and its awful warning against a vicious life is of too great value to the world to trust it to fitful memory.

Men standing on the brink of the precipice hewn by unbridled passion, may read in the terrible fate that overtook Stanford White at the hands of an avenging husband, an injunction against the worst in their nature and reflect before it is too late.

Mothers, tempted by the pressing, material needs of the day to permit tender daughters to aid in the

family support by entering occupations, which, while not vicious, are beset by pitfalls, may think twice before reaching a decision after contemplating the sufferings and humiliations suffered by Evelyn Nesbit.

Young women in the exuberance of youth, hungering for the empty bubble known as a career, may recall the pathetic picture presented by the same girl when on the witness stand as Mrs. Thaw, and recoil from thought of a butterfly life after viewing that crushed, unhappy figure.

Even more exalted personages may find profit in taking inventory of the Thaw case. Prosecuting attorneys are found in every county in this broad land. Let them observe the attitude of District Attorney Jerome in this case and search out their minds to determine if they are ever guilty of persecution in the name of prosecution, or inflict unnecessary torture on the innocent, to vindicate an immaterial theory, of interest only to the occupants of the grand-stand.

Modern times reveal no parallel to the Thaw case in its various phases. Shakespeare's wonderful creations of fancy contain no more thrilling features nor more humanizing passages in their philosophic application than have been disclosed by this life tragedy of love, hate, villainy, perfidy and outraged innocence.

All the emotions known to the human heart enter

into it, ranging from boundless, mercenary cupidity and indescribable cruelty to self sacrificing love that has found no test too severe.

Preachments covering the scope of every sermon life's experiences produce abound in its every development in such blunt, powerful form that he who runs may read and he who reads may bring them home to himself.

Precedents in medical jurisprudence have been established, medical and legal reputations made and lost.

To the student of human nature, then, this volume will carry a message. Also, to the moralist and the teacher, the physician and the lawyer. Nor will this list exhaust the field of those who may find something of interest and benefit within its pages, for the field is as broad as mankind.

If it is received in the spirit in which it is given to the public, free from any disposition to pander to mere morbid curiosity or to exploit that which is reprehensible in moral makeup, it shall have accomplished the purpose of

THE AUTHOR.



EVELYN NESBIT AS "AN AMERICAN BEAUTY"
when she was 18 years old.

CHAPTER I.

Evelyn Nesbit Thaw, the "Woman in the Case."

FAMED FOR BEAUTY EVEN AS A LITTLE CHILD—BORN IN LITTLE PENNSYLVANIA TOWN—WHEN ONLY 13 YEARS OLD SHE BEGAN AS AN ARTIST'S MODEL—SOUGHT OUT BY FAMOUS PAINTERS—ENGAGED AS A CHORUS GIRL BECAUSE OF HER BEAUTY—LURED FROM INNOCENT CHILDHOOD BY STANFORD WHITE, MILLIONAIRE ARCHITECT—FORMED THE ACQUAINTANCE OF HARRY THAW, RICH YOUNG PITTSBURGH MAN—SENT AWAY TO SCHOOL BY WHITE—SNUBBED BY FELLOW STUDENTS—FORCED TO QUIT SCHOOL.

Evelyn Nesbit, later to be known as "the most beautiful artists' model in the world," was born in Tarentum, Pa., a little village near Pittsburgh, in 1884. Even as a baby she was surpassingly pretty, and her face, like that of a dark-haired cherub, attracted hundreds of visitors to her parents' humble home, a little two story frame cottage worth less than \$2,000.

Evelyn's life was like that of most young girls in country towns. She went to Sunday school regularly, and at the age of five made her first public appearance in a Sunday school entertainment.

The family moved to Pittsburgh, and Evelyn was still a schoolgirl when the death of her father, Winfield Scott Nesbit, a struggling lawyer, left her mother and herself almost destitute. Incumbrances

on the little property left by her father shut off almost every source of income. The schoolgirl had to face a more serious problem than usually falls to the lot of a girl in short skirts.

When Evelyn was only thirteen years old, a Mrs. Darragh, a portrait painter and miniature artist of Philadelphia, discovered her rare beauty and painted her head. Later Phillips, a photographer of Philadelphia, asked the Pittsburg child to sit for several photographic studies. The pictures were printed in an art magazine and attracted attention. Before her father had been dead long Evelyn Nesbit found that she was being sought by such artists as Carroll Beckwith, F. S. Church, Carl Blenner, and J. Wells Champney.

Demand for the privilege of photographing her beautiful face or portraying it on canvas became so great that the money earned by the little girl by posing became the mainstay of the family. With her mother she moved to New York, took rooms in a low-priced boarding house, and began frequenting studios of famous artists. Her work was in constant demand.

It was while she was posing that she met the man whose acts toward her resulted in his killing by Harry Kendall Thaw. It was when her mother, modest, yet proud of her wonderfully beautiful little daughter just budding into girlhood, took her to a photographer's that Evelyn Nesbit flashed into public view as a famous beauty. The pictures were so

remarkable, so perfect in feature, so graceful in every outline that the artist exhibited them in his studio.

Little wonder it was that every one who passed the show case stopped spell-bound by the youthful beauty of the subject; little wonder that Charles Dana Gibson, then in the zenith of his success, with his studies of the American girl, looked upon Evelyn's photographs in rapture and wished immediately to meet the original and arrange to have her pose for him.

One day as the little model was about to leave the studio she was met by a man about to enter the door.

"By jove! Gibson, who is this little vision of the empyrean blue? Tell me. I must know the little sprite, whether she is of this earth or just a fairy from out of wonderland," the man added, lightly, as he held the girl a shy and pretty captive at the door.

The usual unconventional studio introduction followed. The man who gasped in admiration of the exquisite flower-like beauty of the young girl was Stanford White, the renowned architect; the girl was Florence Evelyn Nesbit, artist's model.

The man of the world saw in the innocent young thing an easy victim to his wiles, and opportunities were made for him to meet the girl, whom he planned to make his puppet, his plaything, his slave.

His efforts were not long in being crowned by success. The pretty trinkets which the girl loved so well were hers with the first expression of her desire; she was flattered when she realized from whom she was

receiving adulation, the subtle, crafty methods of the connoisseur of beauty, of art, the epicure in all his fleshly wants, the polished manner, the refined taste that were his by birth, all added a charm new and irresistible to the ingenuous, luxury-loving little model with the eyes of a Madonna and the smile of a siren.

Soon the beautiful, innocent Evelyn Nesbit was ensconced in a high class apartment house and Stanford White, who paid the bills, became a constant visitor to the magnificently appointed suite.

There she lived in ease and the artist-architect brought his men friends to see this girl, and boasted that she was his "by right of discovery." She was taken to the restaurants frequented by the men and women about town. Evelyn Nesbit became the toast of the companions of White.

Finally a stage career was mapped out for her. White managed it, and Evelyn Nesbit's fame spread as she flaunted her lithe form and graceful beauty in "Florodora" and "The Wild Rose."

It was at this time that Harry Thaw made her acquaintance. The late hours and the endless, restless round of pleasure had told upon the fragile girl and she fell ill.

A European trip was planned for her and Stanford White was one of the party. In a few weeks they returned to New York, but Evelyn Nesbit could never dance again. Instead she was sent to a boarding school where White hoped that she would regain

her health sufficiently to reappear upon the stage and, incidentally, learn better how to spell and write.

At this time Evelyn Nesbit was a mere slip of a girl, just sixteen, with a wealth of brown hair and great brown eyes. It was in Mrs. Henry C. De Mille's school that White chose to have his "ward" educated, at "Pimlico," N. J. Stanford White's checks were forwarded with great regularity and the girl, known in the school to be the "ward" of the great and prosperous architect, became a favorite among the girls—girls of the most exclusive of families.

It began soon to be whispered that Evelyn Nesbit was a soubrette and exceptions were taken to the visits of Stanford White and of Harry Thaw and other men of their types.

One day Stanford White went to the school in a big touring car and invited some of the pupils for a ride. During that ride his conversation was of such a nature that three of the girls insisted upon being permitted to alight and they returned to the school on foot.

This caused such an uproar in the school that Evelyn was asked to leave, but she was prevented from going by a sudden illness. During this illness, Harry Thaw, who had made her acquaintance in New York while she was on the stage, was in constant attendance upon her and when the girl was finally forced to leave, Thaw was there to defray all her expenses.

Stanford White meanwhile had deserted the beautiful girl and refused to pay her tuition, which amounted to \$3,000. He declared he was Evelyn's "guardian" by courtesy only. His failure to keep his word to defray the girl's expenses was a severe blow to Mrs. De Mille, whose school had become so depleted through the notoriety that he had brought upon it that it was forced to disband.

Meanwhile Thaw became desperately in love with the girl and took her back to her mother and told her of his love and begged her to take Evelyn to Europe as his guest. It was in Pittsburg sometime later that he married the girl who had been spurned and repudiated and left friendless by the man who claimed her "by right of discovery."

Evelyn's stage career was brief but brilliant. While an actress in musical comedies she was pronounced by all "The most beautiful woman behind the footlights," but her natural beauty was destined to become fatal—fatal to Stanford White—fatal to her own good name—fatal to her husband's hope of happiness.



"The most beautiful woman behind the footlights."
PICTURE OF EVELYN NESBIT
taken just before her marriage, and considered her best likeness.

CHAPTER II.

Harry Thaw's Sensational Courtship and Marriage.

YOUNG MILLIONAIRE'S ROMANCE STARTLED THE WORLD — MET EVELYN NESBIT AFTER A PLAY WHEN SHE WAS ONLY 17 YEARS OLD—FRIENDSHIP RIPENED INTO LOVE —THE YOUTH'S STRANGE CAREER—WENT TO EUROPE WITH THE FOOTLIGHT AND STUDIO BEAUTY—REPORT OF MARRIAGE ABROAD SHOCKED RELATIVES—DENIED BY BOTH THE SUPPOSED BRIDE AND GROOM—RETURNED TO NEW YORK—EJECTED FROM FOUR HOTELS—HAD WEDDING CEREMONY PERFORMED IN PITTSBURG—MOTHER OF THAW AT FIRST REFUSED TO ACCEPT EVELYN AS DAUGHTER—OFFERED \$250,000 TO GIVE UP HARRY.

Harry Kendall Thaw's winning of Florence Evelyn Nesbit stands out as a thrilling chapter in the great book of love. The biography of each of the parties was studded with the bizarre. Fifty thousand dollar dinners, ejections from hotels, diamonds and grand pianos thrown about as carelessly as if they were trinkets, family opposition, and remarkably romantic love were some of the ingredients.

Harry Thaw's eyes first fell upon Evelyn Nesbit when she was only seventeen years old. She had carried her beauty from Pittsburg to the studios of New

York. Then the stage called her, and her brunette pulchritude charmed the scion of one of Pittsburg's wealthiest families. Somebody presented her to Thaw at a gay party of young and beautiful stage girls who were having a costly supper after the play at an exclusive restaurant. All this time Evelyn was supposed to be under the eye of her mother, who, a few years previously, had doffed her widow's weeds and married Charles J. Holman, a Pittsburg broker. Mrs. Holman told her friends she keenly realized the perils that beset the feet of beautiful young girls, but her chaperonage did not save her own daughter.

Thaw loved the daughter, he said, as soon as he saw her. His appreciation of feminine loveliness had always been one of his strongest qualities. Only three years before he met Miss Nesbit he had given a \$50,000 dinner in Paris to twenty-five of the most beautiful women that he could get together. Cleo de Merode, at whose feet the King of the Belgians had laid royal tribute, Anna Robinson of this country and other famous beauties were at that banquet. Sousa's band received a check for \$1,500 for furnishing the music. This dinner and many of Thaw's other enjoyments were made possible by the fact that when his father died he left a fortune of \$40,000,000. This father was William Thaw and he had been prominent in Pennsylvania railroad and steel affairs. His widow and the seven children inherited the fortune.

Harry Thaw's penchant for economy was pretty



HARRY K. THAW
At the time of his marriage.



well exemplified by the will under which his annual income was to be \$2,500, because, as his father said, he would spend as much as he got anyway. His mother, though, let him have annually sums that were never under \$40,000.

With his money he set out to dazzle the little Miss Nesbit, who back home had often trudged by the magnificent Thaw mansion and possibly had wondered in her simple impecunious way as to the manner of life that can be lived by a family that has \$40,000,000 to dispose of.

It didn't take Harry Thaw long to show her how some of that money might be spent. To her apartments in the Audubon in New York, an apartment building beloved of the chorus girl, he caused to be sent an exquisite grand piano. Miss Nesbit's mother caused it to be carted away. So also with many of the jewels which Thaw sent up.

While Thaw's wooing was in progress the name of his family loomed large in the public prints because of the marriage of Harry Thaw's sister Alice to the Earl of Yarmouth. On the very day of the wedding, the earl halted the ceremony by announcing that unless satisfactory financial arrangements were made at once there would be no marriage. The money was paid, although Harry Thaw told reporters that if he had been there we would have kicked the Earl down stairs. A little later, however, his sister Alice, Countess of Yarmouth, repaid the harsh blow at the husband

by publicly snubbing Evelyn Nesbit at an English race track.

About the time of this marriage Evelyn Nesbit went to Europe. Harry Thaw followed her. They went automobiling, and the charming brunette fell madly in love with the young heir to nearly \$40,000,-000; he had been in love with her since the evening they first met.

Then, all because they were arrested for exceeding the automobile speed laws in Switzerland, the curtain was raised upon their romance, that all the world might see. In the police court to which they were taken the impression that they were husband and wife gained ground. News of the supposed marriage was telegraphed to London and thence to America. Thaw's relatives and rich society friends were shocked. They had registered and stopped at the Carlton hotel in London as husband and wife, and the report of their marriage was generally believed.

When they returned to New York they had a stormy experience. On their arrival they discovered that Mrs. William Thaw, mother of Harry, had announced that under no conditions would she accept Evelyn Nesbit for a daughter-in-law, and that if her son had really married the beautiful young model she would promptly disown him.

Harry didn't want to lose his fortune, and it is probable that the girl didn't desire to see him impoverished, either. So they faced the dilemma. Fear

of the wrath of the mother forced them to deny that the union had been consummated, yet at the same time they were together in New York at the Cumberland hotel, and the proprietor demanded that either Thaw write "wife" after his name on the register or quit the hotel.

Thaw refused to do this, and the couple went to another hotel with the same result. After they had been ejected from four hostellries they separated. All this time there had been no public announcement by either of them that they had been married, as supposed.

Miss Nesbit, as she still insisted on being called, went to a boarding house and the young millionaire made efforts to placate his mother. He was successful, but not until an open rumor had it that Miss Nesbit had refused an offer of \$250,000 in cash to give up Harry and quit the United States.

When the mother did agree to the union she acted handsomely, and the exquisite beauty was quietly married at the home of Rev. William L. McEwan, pastor of the Third Presbyterian church, Pittsburgh. Mrs. Thaw and the members of both families being present. This was on April 4, 1905.

The Thaws left Lyndhurst, the magnificent Thaw country mansion near Pittsburgh, and went to New York. They varied their life in the metropolis by trips to Pittsburgh, but did not go to Newport, where Benjamin Thaw, Harry's brother, lived. In Pittsburgh,

Mrs. William Thaw gave several receptions to the actress-model wife of her son. Pittsburg society started to squabble over these affairs, but finally attended the receptions and accepted Evelyn as a member of their exclusive set.

The charms of the young Mrs. Thaw had disarmed much of the criticism. Mrs. Holman grew to like her son-in-law, although not long before she had threatened to apply a rawhide horsewhip to him, while Harry and her daughter were living together in New York, apparently unmarried.

The Thaws themselves, when they saw how hard young Mrs. Thaw was trying to restrict the money-spending habits of her husband, forgave her completely. They even regretted, some of them said, that they had offered to buy her off. When that offer was made—it was during the stormy days in New York,—Miss Nesbit had declared “My heart is not for sale!”

The story of the wedding—a remarkably simple affair—is interesting in that it showed Evelyn Nesbit’s love for simplicity in her private life. Although fame and fortune were linked in a remarkable union, the wedding ceremony took place almost in secret.

The day before the wedding Mr. Thaw went to the Hotel Schenley, and in the grillroom met some of his old associates. He remarked that in less than a week he would be a benedict. Steins were raised high and his companions declared that it should be made his bachelor dinner. Their host swore them to secrecy.

and then the story of the coming nuptials was divulged to the chosen few.

Miss Nesbit arrived in Pittsburg with her chaperon, Miss Pierce, and went to the home of her parents, Mr. and Mrs. C. J. Holman, in Oakland. In the afternoon Harry Thaw went to the residence of Dr. McEwan in South Negley avenue and arranged for the wedding.

It was a few minutes after 5 o'clock when three carriages drove to Dr. McEwan's residence. From them alighted Mr. Thaw, his mother, Mrs. William Thaw, his brother, Josiah Copley Thaw, and Frederick C. Perkins. Miss Nesbit came on the arm of her stepfather, C. J. Holman, and was followed by her mother, Mrs. Holman.

Miss Nesbit wore a traveling costume of dark material, which was almost hidden in a light three-quarter opera cloak trimmed with rare lace and ornamented with Persian floral designs. She wore a hat that indicated a slight lingering toward the winter season, and across the silk entwined brim was a gorgeous feather of three shades of brown.

Miss Nesbit did not remove her cloak or hat and the bridegroom laid his headgear and top coat over the banisters before he walked into the drawing-room. When the ceremony was concluded the party left the parsonage. Dinner was served at Lyndhurst, and the bride and bridegroom hastened to the railway station to leave for their journey East.

CHAPTER III.

Story of the Killing That Startled the World.

STANFORD WHITE ASSASSINATED BY CRAZED HUSBAND
WHILE ATTENDING THE PLAY—ON ROOF GARDEN OF
MADISON SQUARE—THAW WALKED RAPIDLY TO TABLE
WHILE GIRLS WERE DANCING—AT LAST NOTE OF SONG
HE DREW REVOLVER, LEVELED IT AT WHITE—SAID “YOU
HAVE RUINED MY LIFE—YOU MUST DIE”—FIRED
THREE TIMES—TWO SHOTS CAUSED DEATH ALMOST
INSTANTLY—PANIC IN AUDIENCE AND ON STAGE—
BEAUTIFUL WIFE EMBRACED SLAYER—THE ARREST.

The killing of Stanford White by Harry Kendall Thaw, on the roof garden of Madison Square, New York, June 25th, 1906,—just fourteen months after the marriage—startled the world. Millionaires both—the victim a famous architect, the slayer even more famous—the love of a beautiful woman the cause of the crime—is it any wonder the Thaw killing was the greatest sensation in years? It took place just as the musical show, “Mamselle Champagne,” was coming to a close.

There was a big crowd on the roof of the garden; a crowd which pretty well filled the floor. Many people noticed a slightly built young man walking backward and forward in front of the stage, among the tables set here and there in an open space in front of the seats.

He was plainly nervous and very pale. He kept watching the entrance from the Twenty-sixth street side. A few people knew it was Harry K. Thaw and remarked on his peculiar behavior. They thought it queer also that he wore a long, thin coat.

At about 11:05 p. m. several persons noticed Stanford White enter the roof garden and take a seat near the left hand side of the stage, pretty well up to the front, dropping into a chair at a table four rows from the stage.

Young Thaw, who had been watching apparently for White to come in, jumped at the sight of him and made for the table.

Few persons saw what happened immediately afterward. In the first place, the show was nearing its close, the dancers pirouetting and skipping about the stage and the orchestra jingling and clanging in gay dance music.

All about the open enclosure in front of the stage, where the tables were set, were palms and potted plants, which largely cut off the view of the table where Mr. White was sitting.

Some persons were sure that a young woman was at the table when White lounged in and took a seat. They went so far as to describe her, saying she was young, slim, dark-haired and dressed all in white, with a big white hat, from which a filmy veil fell over her shoulders.

Others who insisted that they observed White when

he took a seat there, said no woman was present. They were positive on that point.

On reaching White's table Thaw backed off a step or two, produced a revolver, aimed it at White and pulled the trigger. The first bullet entered the right eye, penetrating the brain. Thaw shot twice more, rapidly. The other bullets both struck White's body, one in the right side of the upper lip and the other in the right arm.

White hardly moved from his position at the table. His body sagged a little to the left, his arm flattened out on the table top and his head sank heavily on the arm.

Above the swing and thrumming of the orchestra and the gay chorus of the dancers the three shots sounded clearly, startling everybody, causing the men to jump to their feet and rush toward the left side of the stage.

Two women nearby, seeing what had happened and the blood flowing from the man's wounds, screamed. Two of the girls on the stage fled screaming into the wings.

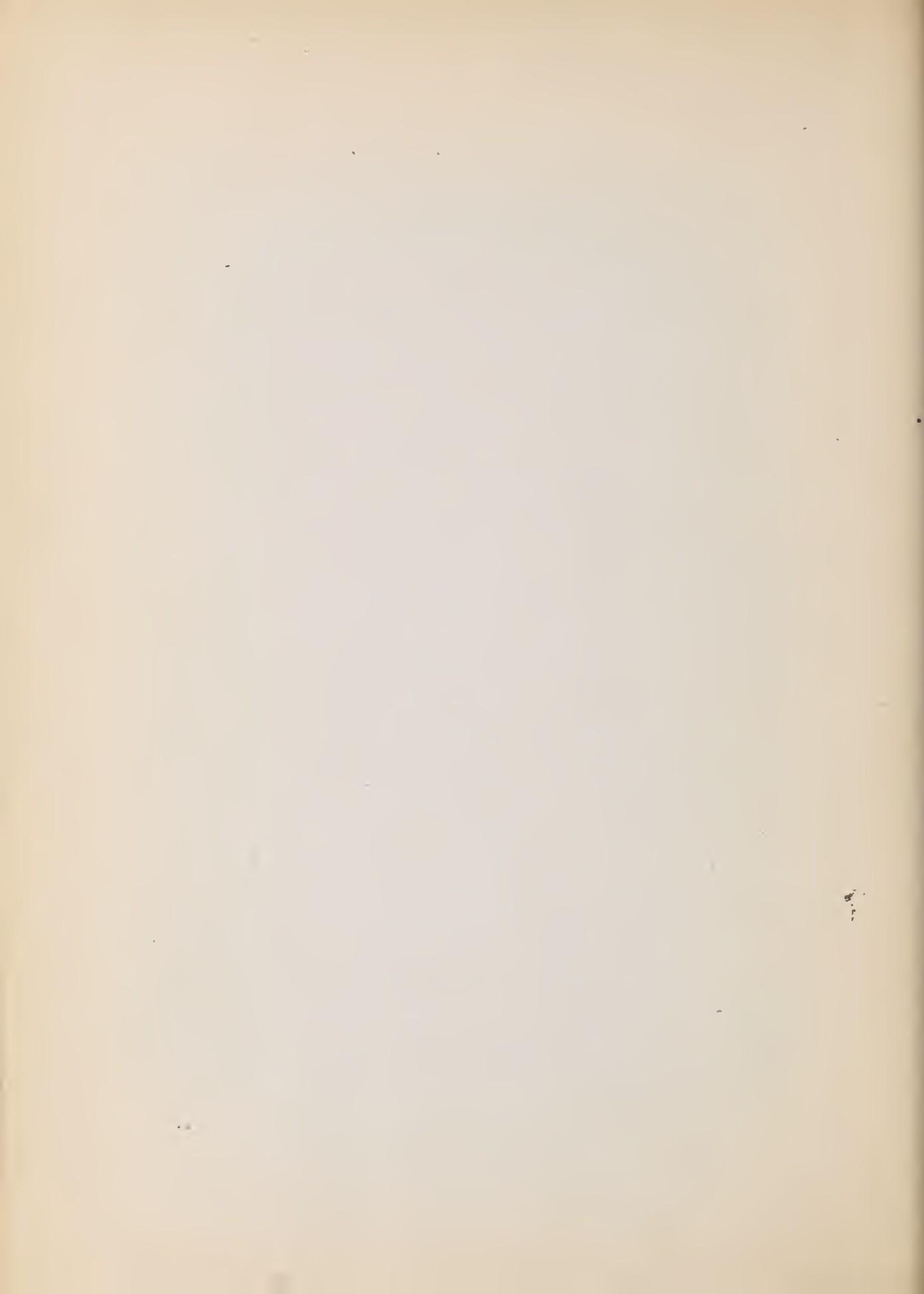
"Get back into your line," roared the stage manager so that all heard him.

One of the girls started back, but she again fled to the wings, while two of the remaining four, seeing the cause of the trouble, fell over in a faint.

The music and the dancing kept going a while feebly; then it died away. The musicians jumped from



MAZIE FOLLETTE
Actress named in the case.



the pit and joined the crowd. The frightened chorus girls ran back on the stage.

The employes of the roof garden thought for a time that the shots came from the stage. Manager Lawrence had been intending to introduce some revolver shooting in the duel scene where the line occurs, "I challenge you, I challenge you to a du-u-el," and the stage hands and other hangers on at the garden thought the innovation had been put on a night or two ahead of schedule.

They quickly found out their mistake, and had their hands full in a minute or two handling the people, who were pushing right and left, the women screaming to be let out.

During all the confusion and excitement nobody made any effort to stop young Thaw. He looked at White's body, and then, still holding his revolver, walked leisurely to a clump of potted plants and back toward the elevator. Fireman Brudi saw a part of what had happened, saw Thaw shoot White, and knew who the young man was that was walking away with the revolver.

Brudi went up to him and caught him by the shoulder. Thaw smiled at him and made no resistance when Brudi told him he would have to wait until the police came. He was very pale, but otherwise cool and collected.

Brudi held Thaw lightly, while the crowd gathered around. It was a wait of several minutes before

Policeman Debes of the Tenderloin station, appeared and took charge of Thaw. Debes telephoned to his station house for the reserves to handle the crowd and the desk sergeant sent ten policemen. Debes was waiting for the elevator to take Thaw to the police station.

Just before the elevator started, a slender, dark, pretty young woman, the same one with whom Thaw had been sitting before he sauntered away on his errand of death, came running into the car. She threw her arms around the prisoner and kissed him.

"Oh, Harry," she cried. "Why did you do it, Harry?"

"It's all right, dear wife," he answered, kissing her. "He ruined you, and I fixed him. It's all right."

All this time the audience was terror stricken.

"Sing, you girls. Sing. For God's sake keep on," shouted the manager.

The girls sang. They danced as the silent form lay prostrate. Their faces were white. But they were on the stage and they quelled their emotion.

A man who sat at a table behind Mr. and Mrs. Thaw, told the following story of the tragedy:

"I noticed Harry Thaw and his wife when they came in. Thaw seemed to have been drinking and was very restless. He got up from the table several times and, leaving his wife, walked back toward the elevators. They were sitting at the Twenty-sixth street side of the house.

"At 10:30 Stanford White came in and took a seat at a table about five tables in front of the Thaws. He talked a while to Harry Stevens and then sat alone watching the show and resting his head on his right hand.

"As he walked down the aisle, Harry Thaw noticed him and got up from his seat. While White was talking to Stevens, Thaw walked over and stood behind some artificial shrubbery just a few feet away from them.

"When Stevens left, Thaw walked deliberately down the aisle and stood for a minute behind White. He pulled a revolver from his pocket and fired three shots. I think the first missed, but the other two took effect, and White rolled to the floor, upsetting the chair."

With Thaw safely lodged in a police station cell, one of the greatest trials of a century faced the public. The inexorable hand of the law began its work the next day after the arrest, when Thaw was taken from his cell in the Tenderloin police station, photographed and measured by the Bertillon system, like a burglar or holdup man, arraigned in police court and held without bail. Perfectly calm, Thaw went through the hurried formalities in court, absolutely refusing to make any extended statement regarding the tragedy.

The policeman who arrested Thaw, gave this account of the shooting in the police court hearing.

"I found the people almost crazy, trying to get out of the place. I jumped into the mob and saw a woman lying down. She had fainted, and then I saw White.

"I said to Thaw: 'Did you do it?' and he replied: 'Yes, I did it. That man ruined my life or wife.' I don't know which he said, but it sounded like that. Then he went on saying: 'That man ruined my home. I guess he won't ruin any more homes. Is he dead?' I told him he was, and he said he was glad of it, and he was glad he 'made a good job of it.'

"When I arrested Thaw, a woman, who Manager Lawrence told me was Mrs. Thaw, rushed up to Thaw and kissed him, and said: 'I did not think you'd do it in that way!' 'It's all right, it's all right,' Thaw told her. Then she whispered something into his ear. I don't know what she said to him."

"Down in the hall and in the street a lot of women gathered about us and shook hands with Thaw and sympathized with him. 'Why did you do it? Why did you do it?' they kept asking."

A statement credited to Thaw immediately after the arrest is this:

"We were all at a party in Martin's. You can find out the names of the others there, but I was sitting some distance from my wife. Suddenly I saw her grow pale and begin to shiver, and I thought she was ill.

"I made a motion to inquire what was the matter

and she called a waiter and wrote a note which she sent around the table to me.

"The note said 'The dirty blackguard is here.' Then I turned and saw that fat scoundrel sitting there, big and healthy, and then I saw her and how she was."

"Did White make any motion to attack you?" was asked of Thaw.

"What?" said Thaw.

The question was repeated.

Thaw nodded his head in the affirmative.

From his pocket when he was searched there was taken a leather revolver shield such as policemen carry their weapons in. He had \$168 in cash and several blank checks, besides a gold cigarette case.

Thaw did not display the least anxiety about his own welfare nor about the effects of his shots. He never asked a question about White. He did not ask any questions of the police at all. He seemed as unconcerned as if bailing out a chauffeur instead of facing an accusation of killing a man.

As he talked with a reporter he reverted again and again to his wife's attack of shivering when she saw White in Martin's.

"That poor, delicate little thing, all nervous and shaking like a reed," he said, half to himself. "And there he was, the big healthy scoundrel. God!"

While the coroner's proceedings were in progress in the city next day, the final scene of the tragedy as

affecting White was carried out on Long Island. At St. James' the funeral of the dead architect was held.

Friends and relatives of White left for the little town early to attend the ceremony. By the time they returned the grand jury had indicted the man who brought White's career to a close and the coroner's jury had held him, completing the legal formalities preceding the trial itself.

Thaw was restless in his cell in the Tombs from the time he entered it until he was arraigned. His wife visited him every time the rules of the prison allowed, and remained at his side as long as possible each time. His mother, an aged, feeble woman, also went to New York to comfort her offspring in his hour of trouble, and the Countess of Yarmouth, his sister, was among the visitors. Other visitors—unwelcome ones—were the alienists whom the state and the defense sent to examine the young man. Thaw fought the insanity plea vigorously, and at times almost fought the experts. Finally, however, he allowed the examinations into his mental condition.



STANFORD WHITE

CHAPTER IV.

Stanford White, Creator and Destroyer.

LIFE OF HARRY K. THAW'S VICTIM—HIS DEATH REFLECTED HIS STRANGE LIFE—A MENTAL GIANT WHO TURNED FROM LOFTY ENTERPRISES TO VICIOUS REVELS—BUILT MADISON SQUARE GARDEN—THE STUDIO IN THE TOWER—MIGHTY WORKS THAT SURVIVE WHITE AS MONUMENTS TO HIS GENIUS—THE TRAGIC “GIRL IN THE PIE” AFFAIR—WHITE’S HOME EXISTENCE—HIS END.

Stanford White’s death was no more remarkable than the strange life he led. Few expressed surprise that the end came as it did. On the other hand, those who knew him best asserted they would have experienced a sensation little short of amazement had White departed this life as most men, surrounded by members of his family and enjoying the ministrations of physician, nurse and spiritual advisor.

Some saw in the pyrotechnic, picturesque, sensational climax of his existence, the fulfillment of a prophesy oft reiterated by his closest acquaintances.

The unusual, the unexpected ruled the existence of this man of wonderful brain and creative genius. A giant in mental force and power, he could turn lightly from some vast enterprise to a revel passing

all belief, having as its only purpose the snaring of some young girl—as Evelyn Nesbit was enmeshed. And he could turn quite as lightly from the anguished cry of his victim and forget her in the multiplicity of details surrounding his huge undertakings.

What a mind was this—at once an engine of creation and destruction, accepting the consequences in each instance as a matter of course. In view of the peculiarities of the man, it cannot be counted strange that he fell before the hand of the avenger in the temple he had builded to mirth, for the famed Madison Square Garden was a creation of his mind.

In the tower he had raised above it, overlooking the great Metropolis with all its joys, sorrows, struggles, its mighty forces that work for good and its uncounted army battling for sin, Stanford White had fitted out a den of Oriental magnificence wherein he could accomplish his purposes, far removed from the world at large.

It was here his wildest orgies were held. It was from the tower-chamber his young victims went forth to lives of bitterness and shame, and within the shadow of that tower White was whirled to eternity without a moment's respite to atone for his sins or prepare for an accounting before the final tribunal where truth and not pretense avails. Whatever his offenses, his punishment was heavy, indeed.

Great as an architect, a lover of beauty in his work

and in his play, a charming companion, a man of kindness, possessed of many talents, a lover of all the pleasant things of life, but not bound by scruples or the dictates of morality—such was White. Within two days after his death, New York rang with stories of strange debauches in which White had played the part of host or one of the hosts. Anthony Comstock declared that he had tried to obtain evidence which would suffice to bring action against White for various alleged excesses. When White fell to the floor of Madison Square Roof Garden, in short, his personal reputation fell with him.

As an architect, he was admittedly a genius, and he left an impress upon the architecture of this country which will remain. He transformed the old, unsightly Harlem Railroad freight station into Madison Square Garden—one of the most beautiful edifices in New York. He aided in the designing of Trinity Church in Boston.

Among his famous works in New York were the Hall of Fame at New York University, the Washington arch, the Century, University and Metropolitan clubs, the William C. Whitney residence and the pedestal of the Farragut monument in Madison Square.

He was the son of Richard Grant White, the novelist and journalist, and was born in 1853. After being graduated from New York University he went to Europe to study architecture. He returned in 1881 and entered into partnership with Charles F.

McKim and William R. Meade. The firm of McKim, Meade & White, largely through the genius of White, became one of the most prominent in the profession.

Mr. White was essentially a clubman, being a member of the Knickerbocker, Union, University, Automobile, Metropolitan, Players', Lambs' and New York Yacht clubs. He was a follower of the stage, a devout first-nighter, and had an extensive acquaintance among theatrical people.

White's studio apartment in Madison Square tower was one of the most noted centers of revelry in the city. He used his studio in a professional way to paint in water colors and to work out architectural designs in matters that were separate from the firm work of McKim, Meade & White, but the chief use of the rooms was as a meeting place for gatherings of theatrical and other folk to whom night life was attractive.

The rooms were decorated with things that White had gathered in his frequent trips to Europe. The draperies and rugs, the furniture and adornments were of the florid style of three centuries ago that prevailed in Italy and France. His tastes ran to decoration quite as much as to architecture, and his apartments in the tower revealed the artistic side of the man more than any of his purely professional achievements.

His acquaintance among stage folk ran not so much to those who were regarded as the leaders in their



HATTIE FORSYTHE
Chorus girl, once a friend of Mrs. Thaw.



profession as to those who were willing to "make a night of it." And it was from these "all nighters" that Mr. White drew the material for the "studio parties" that at one time brought notoriety to the Madison Square Garden tower.

In the field of decoration, White had established a place for himself unlike that of any architect. He was accustomed to make trips to Europe to secure collections of various kinds. He would get materials for a Francis I. room or a Louis XVI. room, bring them home, and store them to be sold later to some rich man who was looking for fads in household decorations. Sometimes he would collect windows and doors. At other times he would scour France and Italy for hangings and draperies.

After the tragedy there was great diversity of opinion in the architectural world as to White's standing as an architect. Some of the architects did not hesitate to say that he was the greatest in the profession in his country since H. H. Richardson. Others asserted that he shone largely by the reflected light of his partners, McKim and Mead. It is certain that no architect was called upon oftener to serve on juries to pass upon the merits of designs for the great buildings of the country than White.

Those who decried his abilities said that much of the work ascribed to White was really the work of McKim or Mead. Their tastes ran to the severely classic designs and to what is known as the field of

pure architecture. It was declared that White, a disciple of the French and Italian schools, could not have designed many of the buildings for which he got credit as a member of the firm of McKim, Mead & White. One architect said:

"The Boston Public library, the Columbia university buildings, the Villard house, the agricultural building at the Chicago World's Fair, and other creations of the McKim firm were not and could not have been designed by White. All through them runs the genius of Mr. McKim. White ran to the lighter style of architecture, the florid, the modern, and not to the Grecian or the severe and monumental style of purely classic architecture.

"His mood was that of gayety and it expressed itself in his designs. The bases of St. Gaudens statues lent themselves to his mood, and some of his best work was done in connection with them. He was essentially an artist rather than an architect, and his influence in his firm was along the lines of the artistic rather than along the strict standards of architectural expression."

There were current also numerous stories regarding White's private life that were not of the creditable kind. It is not too much to say that he was frequently under suspicion, but there was always something lacking in a legal way so that no open scandal attached to his name, although evil reports were frequent. No action was taken by the investigators, how-

ever, because of lack of tangible evidence.

One incident that contributed much to White's bad reputation and which illustrates forcibly his view of a "good time" was the "Girl-in-a-Pie" affair, which was later to come out in evidence at the trial.

The famed "Girl-in-the-Pie" dinner was given to several artists and men about town, with several notorious "fashionable" women in attendance. The spread cost \$350 a plate.

At the approach of dawn, four negroes entered, bearing a huge pie, which they placed on the table. A faint stir was observed beneath the crust just as the orchestra struck up the air of the nursery jingle:

"Sing a song of sixpence, a pocket full of rye,
Four-and-twenty blackbirds baked in a pie."

The pie was burst asunder, and from inside there emerged the beautiful figure of a young girl, clad in black gauze draperies. She turned her pretty childish face upon the astonished guests, and poised as a bird about to fly, while two dozen golden canaries, released by her hand, flew about the room.

Then, when the tableau was complete, a man forced his way to the side of the table and with a smile assisted the child to the floor. The man was Stanford White.

The young girl, a model, then 15 years old, lived with her mother, but on the night of the banquet she disappeared, and remained in hiding for two years. Efforts of the police to find her were unsuccessful.

At last she returned, to tell a story of revolting mistreatment and desertion by the man who met his death at the hands of Harry Thaw.

"When I was lifted from the pie to a seat at the table I found myself queen of the revel," she said. "It was dazzling at first," she said, "but in the end it became a sad queendom."

"Mr. White was kind for a time, but when he went to Europe he instructed his clerks to get rid of me with as little trouble as possible. I never saw him again."

Turned into the street to live as she might, this girl, not yet 18, finally married, but her husband, when he learned of her part in the "pie" banquet, brooded over the affair, and deserted his girl wife without attempting to avenge her wrongs. She died soon afterward.

Stanford White was as respectful to women of the stage who demanded respect as he was to his wife's friends.

He was one of a group of men, old and young, who are oftenest seen in and near theaters where frothy nonsense charmingly unclad is enacted and in restaurants where musical comedies tempt their dainty appetites with broiled lobster.

He knew many theatrical managers, and some of them often invited him behind the scenes—but not to inspect the architecture.

Stanford White was indefatigable in his pursuit

of beauty in his work and in his play. He was generous and considerate. He would hide a \$100 bill in a bouquet he ordered handed over the footlights; he would visit a poor, sick chorus girl when she thought herself friendless in a hospital.

Once in a while, Mr. White gave entertainments in the tower, at which the women and men of society were his guests. But there were other entertainments on which Venus, not Diana, should have looked down. At them, if a girl danced on the table she did not scratch the mahogany. Stanford White vastly admired adolescence. His death was a tragedy and is a warning. His last night was typical of his method of life.

He dined with his son; he went to his club. From his nearest kin and his honorable friends he turned to the structure his genius had raised, where was hid his "studio." The lights and music of the roof garden enticed him. And in the presence of the woman who vows he ruined her life he perished by her husband's hand. And the last jangle that sounded to him was a comedy song: "I could love a million girls."

Madison Square garden, which he created and where he met his death, was known as his "pleasure house."

What an awful warning, to the would-be-young-man-about-town! With all his subtle experience, with his fawning servants and paid detectives, even

Stanford White with his millions could not avert the hand of vengeance. "Be sure your sin will find you out." Sooner or later a settlement must be made. Lucky is he whose balance is on the right side of the ledger.



THE BIRTHPLACE OF EVELYN NESBIT THAW AT TARENTUM, PA.

CHAPTER V.

Greatest Legal Battle of Age Opens.

OPPOSING COUNSEL HESITATE TO SHOW THEIR HANDS IN DESPERATE GAME OF LIFE OR DEATH—ATTORNEY GARVAN'S BRIEF OPENING ARGUMENT FOR PROSECUTION FOLLOWED BY PRESENTATION OF STATE'S CASE IN LESS THAN TWO HOURS—VICTIM'S SON CALLED TO STAND—FATAL BULLETS GRUESOME EXHIBIT—STORY OF THE ROOF GARDEN TRAGEDY TOLD—DEFENSE OPENED WITH PLEA THAT THAW BELIEVED HE WAS ACTING UPON THE COMMAND OF PROVIDENCE WHEN HE SLEW WHITE—ALL IN READINESS FOR GREATEST SACRIFICE OF MODERN TIMES.

Thousands throughout New York, and in fact the entire world, breathed in anxious suspense when, with jury complete and all the machinery of legal battle in readiness the great trial opened. Following delays in securing the jury—the excusing of several jurors after their acceptance by both prosecution and defense—the opening came as a surprise.

The day will long be remembered because of the multiplicity of surprises it brought forth. Brevity of argument by counsel for state and defense was not the least of these. The opposing lawyers felt they were entering upon a stupendous game with life and death the stakes, and youth, beauty, love, hate, treachery and millions factors in the play.

Neither cared to show his hand and disclose the cards he held. It was Monday, February 4, 1907—a fateful day, coming after seven months and ten days' imprisonment for Thaw in the Tombs.

The prosecution made a most remarkable record when it presented its opening statement in ten minutes and followed it with less than two hours of testimony, closing in time for the noon recess. The defense announced it would open its case with a statement by Attorney J. B. Gleason.

The purpose of the prosecution was readily apparent—throwing upon the defense the burden of disclosing its case, reserving the while the state's hardest fire for rebuttal later when Thaw's lawyers had exhausted themselves and their material.

Opening shots of the legal battle royal were fired by Assistant District Attorney Garvin, of counsel for the state.

He congratulated the jurors on their body having been completed and then outlined the purpose of the law, which was not seeking for vengeance, but to uphold the security of the state, he said. He urged the importance of the case and a strict observance of the law in order that a verdict, fair to all, might be reached.

It was the claim of the people, he said, that on the night of June 25, 1906, the defendant "shot and killed with premeditation and intent to kill" one Stanford White. He then briefly outlined the movements of



ASST. DISTRICT ATTORNEY GARVAN
Sketched in court.

White, beginning with the Saturday preceding the tragedy and ending with the actual scene of the shooting on the Madison Square Roof garden.

"The purpose of punishment of crime is an example to the community," thundered the prosecutor.

"The defendant is charged with the murder of Stanford White with premeditation on June 25, 1906. Mr. White was an architect, a member of the firm of McKim, Meade & White. On the Sunday before his death he went to his home on Long Island with his family. He returned to the city on Monday with his son and his son's friend named King. They went to the Cafe Martin for dinner.

"Mr. White had previously purchased tickets to a theater. After dinner Mr. White drove his son and his son's friend to the theater and then went himself to the Madison Square Roof garden, where a new play, 'Mam'zelle Champagne,' was to be produced.

"Stanford White went to the Madison Square Roof garden and sat alone at one of the small tables there, watching the first production of this play called 'Mam'zelle Champagne.'

"The defendant was there with his wife and two friends, Truxton Beale and Thomas McCaleb. The defendant walked constantly about the place.

"In the middle of the second act the defendant's party started to leave the roof. The defendant let his party go ahead and he lagged behind. Passing the table where Stanford White was sitting, this defen-

dant wheeled suddenly, faced Mr. White, and deliberately shot him through the brain, the bullet entering the eye.

"Mr. White was dead.

"The defendant did not know this. He feared he had not completed his work, and he fired again, the bullet penetrating White's cheek. Still, to make sure, he fired a third time.

"Mr. White, or rather the body of Mr. White, tumbled to the floor.

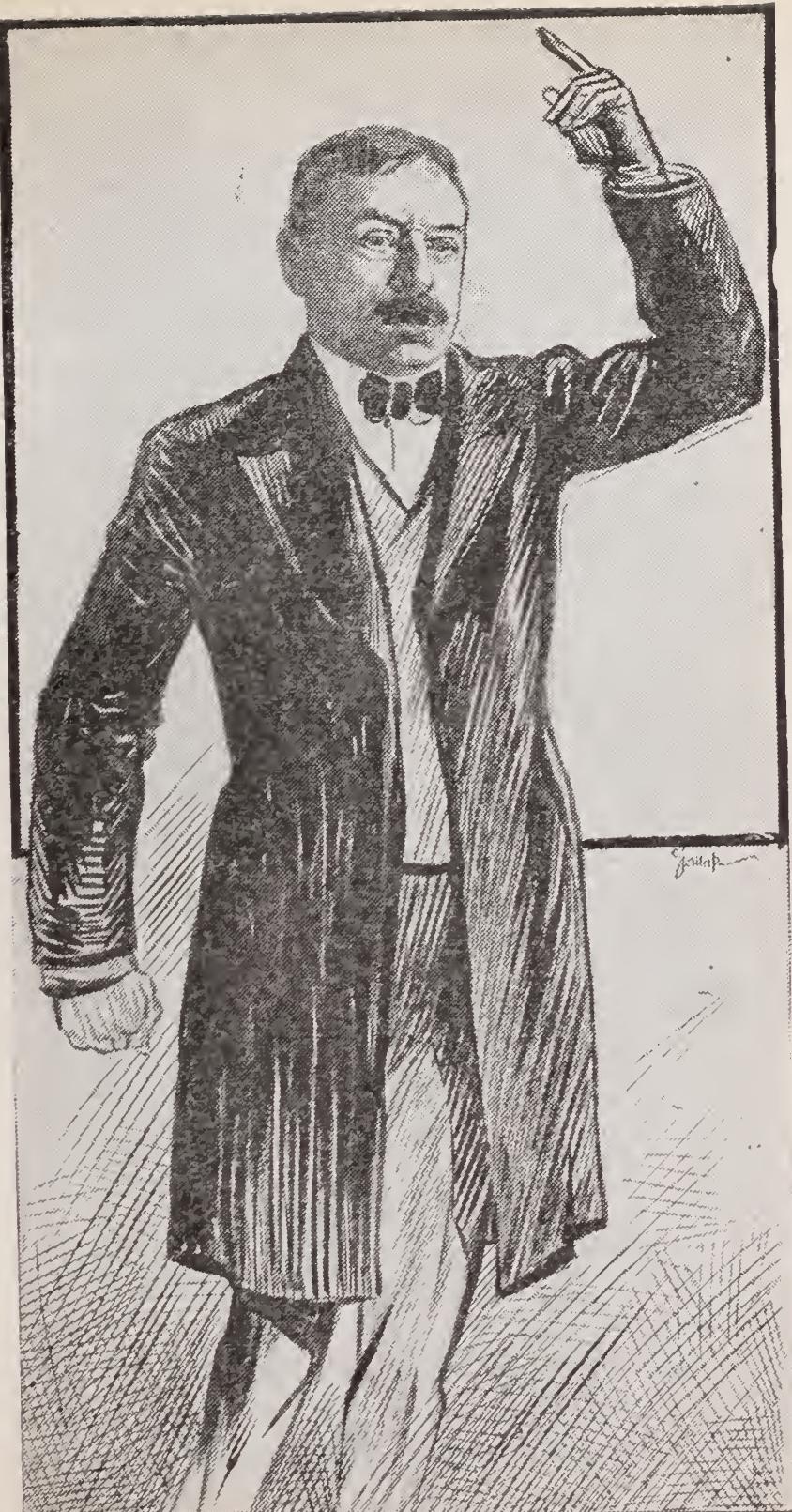
"The defendant turned, and facing the audience, held his revolver aloft with the barrel upside down to indicate that he had completed what he intended to do. The big audience understood. There was no panic."

Mr. Garvin concluded by giving the details of Thaw's arrest and indictment by the prosecution. He spoke always in a conversational tone. Thaw sat throughout with head downcast and face flushed.

Calm and as cold and easy of manner as though rehearsing a scene in some drama instead of a great tragedy of life, District Attorney Jerome requested the exclusion of all other witnesses and placed his first witness on the stand.

As Evelyn Thaw passed her husband in leaving she took his hand and held it for a moment, and, as she turned away, tears trickled down her checks.

Harry Thaw was visibly nervous and drummed on the table with his fingers.



DISTRICT ATTORNEY JEROME
in opening address.

Lawrence White, the son of the dead architect, was the first witness. Thaw again fastened his eyes on the table before him and did not once look at the witness.

Young White said he was 19 years old and a student at Harvard university. His mother, he said, was then living at Cambridge, Mass.

White was on the stand only a few minutes. He told of accompanying his father to the Cafe Martin for dinner, and said that when he left him to go with his chum, a boy named King, to the New York roof garden, it was the last time he saw his father alive.

Myer Cohen, a song writer and manager of the house which published the music of "Mam'zelle Champagne," was called after an elevator man had detailed Thaw's conversation when arrested.

Mr. Cohen was on the Madison Square Roof garden the night of the tragedy. He saw Thaw there for the first time during the initial act of the musical comedy. Cohen described on a diagram the position of the table at which White sat.

When asked by Mr. Garvan to indicate Thaw's manner of approaching the architect that evening, the witness left the stand, and, walking up and down before the jury box, he illustrated the slow pace which he declared characterized Thaw's deliberation in approaching his victim.

"He walked up to Mr. White's table like this," said the witness, indicating. "He made a slight detour,

and coming up to Mr. White from behind suddenly faced him and fired three times."

Henry S. Plaese, superintendent of the publishing company that owned the rights of "Mam'zelle Champaigne," was the next witness. He saw the defendant the night of the killing in the rear of the roof garden, opposite the center aisle. Mr. Plaese was standing with Mr. Cohen, the previous witness. Thaw stood before them for six or seven minutes, looking to the right and left.

After the first act he next saw Thaw just previous to the shooting. White was seated, facing the stage, his head leaning on his right hand. There was no conversation when Thaw approached White, and the former immediately began firing.

Thaw then retreated toward the rear of the garden, with his right hand elevated, "the barrel of the pistol being pointed upward."

The weapon with which White was killed was brought into the case during the testimony of Paul Brudi, the fireman who disarmed Thaw after the fatal shots were fired. Brudi, who appeared on the stand in uniform, identified the pistol when it was shown to him, and said that after taking it from the prisoner he turned it over to the police.

"I remember hearing only two shots," said Brudi in relating the events of the evening of the tragedy, "when I rushed up and grabbed the prisoner, who had his arms uplifted."

"Did you hear the defendant say anything after the shooting?" asked Assistant District Attorney Garvan.

"Yes," the witness replied, "he said 'He ruined my wife.' "

"Did he say anything else?"

"No."

"Did you hear any one say anything to him?"

"His wife."

"What did she say?"

"Look at the fix you are in."

"Did he reply?"

"I did not hear him say anything else."

Edward H. Convey, foreman of laborers at Madison Square garden, was called to further identify the pistol Brudi took from Thaw, and which Convey helped in turning over to the police. He was not cross-examined.

Policeman A. L. Debes, who arrested Thaw, was called. He identified the pistol, the bullets, and empty shells introduced as exhibit.

"Did you have any conversation with Thaw?" asked Mr. Garvan.

"I did," he replied.

"I asked the prisoner if he had shot Stanford White, and he said, 'I did.' I then asked him why he shot him and he said, 'Because he ruined my wife—or life.' "

"You could not distinguish whether he said wife or life?" was asked.

"No. Thaw then asked where we were going and I replied, 'To the station house,' and he said 'All right.' After this I turned him over to another officer and went up stairs to get witnesses."

Coroner's Physician Timothy Lehane, who performed the autopsy on Stanford White's body, described the wounds made by three pistol shots.

The first bullet, he said, entered the right eye, passing downward and entering the brain; the second entered on the right side of the upper lip, and the third wound was on the right arm, the bullet ranging downward and passing out six inches from the point of entrance, making what is commonly called a flesh wound.

The witness then identified the various bullets and Mr. Garvan asked that they be formally received as evidence. The exhibits were passed across to the table of counsel for the defense. Thaw's eyes wandered about from right to left, but not even a fleeting glance was thrown in the direction where the deadly bullets were being left.

Dr. Lehane declared cerebral hemorrhage, caused by the bullet wounds, produced death.

Dr. Sylvester Pechner, who was with a party on the Madison Square Roof garden the night of the tragedy, next was introduced as a witness for the prosecution. Dr. Pechner examined White soon after he fell and

pronounced him dead. The architect's death must have been instantaneous, the witness declared.

Dr. Pechner said that when his attention was attracted by the firing of the pistol, he saw Thaw standing over White.

He then saw the defendant "break his gun" and pull out the empty shells, and hold it aloft. Just after this Fireman Brudi took the man in charge.

Policeman Debes was recalled and Mr. Garvan asked him: "Did you hear any remark credited to the defendant's wife that night?"

"Yes."

"Where was it?"

"On the ground floor of the Twenty-sixth street entrance."

"What did she say?"

"Harry, why did you do it?" and he replied, "It will be all right."

This ended the state's case—all the evidence depended upon to send the young millionaire to the electric chair having been presented in that brief session. The defense opened a little more than an hour later after a brief recess for luncheon.

"Harry Thaw believed he was acting upon the command of Providence when he killed Stanford White," thundered Attorney Gleason in opening the case of the defense.

Thaw's insanity at the time of the killing, Mr. Gleason said, was due to heredity and stress of cir-

cumstances. It would also be shown, he said, that the defendant had suffered from temporary or emotional insanity for years.

"You must disabuse your minds, gentlemen of the jury," he began, "of any idea or impression that the defense in this case will rely upon anything but the constitution and the laws of the imperial state of New York. Upon these laws alone we will rely."

"You must dismiss all idea that we are to import into this case any so-called higher or unwritten law. We will rely upon all the defenses that the law allows.

"One of the defenses allowed by law is that of insanity."

Mr. Gleason declared further that it would be shown that Thaw acted in self-defense and without malice, believing threats had been made against him by Stanford White. Mr. Gleason said that Thaw did not know the nature or quality of his act at the time he committed it.

The defendant killed Stanford White, he said. He believed that it was an act of Providence and that he was guided in that act by Providence.

"The defendant killed White, and he did not know that act was wrong. He was suffering from a mental unsoundness proceeded from a disease so that he did not know what he was doing. We will show that there was a mental unsoundness in his family."

"There will be witnesses produced here on both

sides, but you are the ones who will judge of the fact of whether the defendant was insane or not when he killed Stanford White.

"It lies with you and you alone to decide whether or not Thaw was sane when he killed Stanford White. You must apply to yourselves the test of your ability to decide truly and wisely.

"It is for you to reach out with that human spirit which says to any man, no matter how degraded, 'look up and be of good cheer. I, too, am a man, and would have done the same thing had I been placed in your position.'

"When you have heard all the testimony in this case and come to judge this defendant, I am sure you will be of the opinion that the defendant's act was due to insanity and not one of crime."

Mr. Gleason's address required less than an hour. At its conclusion the way was clear for the greatest defense of modern times and the sacrifice of Evelyn Thaw--a feature without a parallel in modern jurisprudence.

CHAPTER VI.

"I Swear Harry K. Thaw Was Insane."

DEFENSE BEGINS TERRIFIC FIGHT TO PROVE YOUNG MILLIONAIRE WAS CRAZED BY WHITE'S ACTS—DR. WILEY, THAW'S FAMILY PHYSICIAN, DECLARES HARRY DID NOT REALIZE WHAT HE WAS DOING—THEATER EMPLOYEE PROVED IMPORTANT POINT THAT WHITE HAD THREATENED YOUNG THAW—ANOTHER PHYSICIAN ASSERTED THE SLAYER, WHILE YOUNG, HAD ST. VITUS DANCE, A DREAD MALADY THAT MIGHT HAVE AFFECTED HIS BRAIN—EVELYN PALE AND WORRIED—PRISONER RAGING IN HIS CELL—THE CRISIS AHEAD.

Experts on the subject of insanity—famous physicians whose testimony cost from \$100 to \$500 a day each, and whose services required an expenditure of more than a half million dollars—were the central figures in the early part of this celebrated trial. The defense began by forging the links in the chain of circumstances which, it was asserted, had disordered the brain of Harry Thaw and caused him to kill White.

The first witness for the defense was Dr. C. C. Wiley of Pittsburg, the Thaws' family physician, who was connected with the Dixmont Insane Asylum. During Dr. Wiley's examination, the young prisoner sat with paper and pencil, taking notes and consulting con-



DELPHIN M. DELMAS
Thaw's chief lawyer.

stantly with his counsel. He was pale and nervous, and shuddered at the slightest unusual noise in the court room. Jerome went at the witness pitilessly, asked him trick questions, and endeavored a hundred times to trap him into an admission that Thaw might not have been insane at the time he killed White.

Jerome failed. When the day had closed the evidence as to insanity remained unshaken, but the witness was exhausted and so confused that he often took refuge in the answer "I don't know," or "I cannot recall."

Mr. Gleason, attorney for Thaw, asked the expert a hypothetical question the answer to which immeasurably strengthened the plea that Thaw was insane. It was:

"Assuming that any man was proved to you, as an expert, to have attended a roof garden the day of June 25, 1906, the occasion of the opening of a theatrical entertainment which was largely attended, and that on walking out from the theater, with his wife near him, and apparently in a quiet and orderly manner; that that man should turn aside and fire three shots from a revolver into a man who was sitting at the table and to whom he did not speak; that this man then held the pistol above his head and walked quietly toward an elevator; that he gave up the pistol without resistance and did not make any attempt to escape, and that he said, 'He ruined my wife,' and that immediately thereafter he said to his wife, 'I have prob-

ably saved your life,' I ask you, sir, upon your judgment as an expert, whether you are able to give an opinion touching on the sanity of the man who made that answer?"

"I can," said Dr. Wiley.

"Will you express that opinion?"

"I believe that that man—"

District Attorney Jerome objected.

"You must not state a belief," said Mr. Jerome, "that is not evidence. You must give an opinion."

"My opinion," said Dr. Wiley, "is that the man who committed the act described was suffering from insanity."

Other striking assertions from Dr. Wiley's testimony were:

"The act of Harry K. Thaw was that of an insane man.

"The remark Thaw made to his wife after the tragedy, 'I have probably saved your life,' is an indication of an insane delusion.

"I have examined 800 people as to their sanity, and should know the prisoner's condition.

"When I examined Harry in the Tombs prison after the murder his actions were irrational."

Dr. Wiley was on the stand for the defense all the first day, and at the opening of the second day a sensation came when Mr. Delmas took the helm of the defense, and called Benjamin Bowman as the second witness. Jerome had refused to allow Bowman to tes-



COUNTESS OF YARMOUTH
Harry Thaw's sister.

tify for the state. Bowman in 1903 was a doorkeeper at the Madison Square Garden Theater.

"I knew Stanford White and Harry Thaw," Bowman swore. "A few nights after Christmas, 1903, Stanford White came up to me after the show and wanted to know if Miss Nesbit had gone home. I told him she had. He replied: 'You are a liar.' I told him to go back on the stage and see for himself."

"When he returned, and as he passed me he pulled a pistol from his pocket and muttered: 'I'll find and kill that — — — — before daylight.' "

"Did you tell Harry Thaw of this threat against his life?" asked Delmas.

"Yes, I met him on Fifth avenue and told him I wanted to speak with him regarding Miss Nesbit. I then told him of the incident at the theater and of White's threat."

"What was Mr. White's condition when he made the threat?"

"He was black in the face with anger."

This ended the direct examination of Bowman, and Justice Fitzgerald said:

"If there are any persons in the courtroom whose sense of propriety would be offended by the testimony of this witness the court will give them an opportunity now to withdraw."

"We must ask the court to bear with us in bringing

out this testimony," explained Delmas, "but it is essential."

"It is perfectly right and proper," Justice Fitzgerald quickly assured the lawyer. "There are ladies here, however, and I think they should be given the opportunity to withdraw if they so desire."

The Countess of Yarmouth and Mrs. George L. Carnegie quickly left the courtroom.

Mrs. Evelyn Nesbit Thaw and May McKenzie arrived at the courthouse some time after the session had begun.

In cross-examination by Mr. Jerome the witness clung to his story. He added that "The Girl From Dixie" was playing at the Roof Garden Theater at the time, and that White and Thaw even then were rivals for Miss Nesbit's affections.

The next witness was Martin Green, a newspaper man, who saw Thaw just after the shooting. He was asked as to Thaw's manner after he committed the murder.

"He held the pistol high above his head," said Mr. Green. "He was very pale, his eyes seemed about to pop out of his head, and his hair was hanging well down on his forehead."

Dr. John Franklin Bingaman of Pittsburg, one of the Thaw alienists, testified he had known Harry Thaw for thirty years. He attended him when he was two or three years old. Thaw had children's diseases and St. Vitus' dance.

Dr. Bingaman said that Thaw's condition might be called a neurotic temperament.

Mr. Jerome asked only two questions in cross-examination. In response to them Dr. Bingaman said Thaw had the St. Vitus' dance when he was six or seven years old.

At the end of this day's hearing Harry Thaw was in a frenzy. In his cell he denounced his lawyers for their determination to make insanity the defense. Adding to his troubles was the fact that his beautiful young wife was to go on the stand next day and bare her tragic life to the public gaze.

Mrs. Thaw dreaded the ordeal. She was barred from the court-room during the latter part of the early testimony, but extra editions of the newspapers were brought to her hourly, and she read the testimony she was not allowed to hear. She was ghastly pale, and at times appeared about to collapse.

Next day brought the crisis in the most sensational trial of the twentieth century, with the fair, slender Evelyn—the leader in the battle to save her husband's life.

CHAPTER VII.

A Human Sacrifice on the Altar of Love.

EVELYN NESBIT THAW BEGINS STORY OF TRAGIC FATE AT HANDS OF STANFORD WHITE—TELLS OF SHOOTING—“I WILL BE BRAVE,” HER WORDS TO HUSBAND—COLLAPSES ON STAND—RELATES HOW HER BETRAYAL DELAYED HER MARRIAGE—THAW’S GREAT LOVE REVEALED—“I HAVE PROBABLY SAVED YOUR LIFE”—WEPT WHEN SHE DISCLOSED TO HARRY THE VILLAINY OF WHITE—BLUSHES CRIMSON ON THE STAND—ALMOST FAINTS WHEN ORDERED TO TELL OF HER DOWNFALL.

“I will be brave—I will be very brave, and I know that when I am done, you will go free. It will be hard, but I must tell all. Good-bye, Harry, my love, my own, my sweetheart, husband—”

These were Evelyn Nesbit Thaw’s words before going on the stand.

Crime, horrible, fiendish, revolting, startling in its details, and consummated with all the clever brutality that a brilliant mind could encompass—was laid up against the blighted name of Stanford White by Evelyn Nesbit on the witness stand February 8, 1907.

Beauty in distress—beauty that made a powerful impression on judge, jury and spectators, intensified a hundredfold the dramatic climax of the trial.

Frail, young, her fair name shattered, her love for husband surpassing that of Thisbe for Pyramus, she laid down her bleeding heart upon the altar of the soul, and gave herself a living sacrifice to save her husband from the electric chair.

In the midst of her story of her shame, the beautiful bride broke down and cried bitterly. Restoratives were applied, and, fighting with the life of her loved one as the stake, the piteously fragile and surpassingly pretty young wife continued with the story of her ruin at the hands of a modern Nero, for so she painted White.

Mrs. Thaw was on the stand two hours, and her direct examination had not been concluded when the luncheon adjournment was taken. As she walked from the witness chair along the passageway back of the jury box she felt along the wall with the finger tips of her left hand as if about to faint. From scarlet her faced had paled to the whiteness of a sheet.

Except when she broke down when going into the details of her experience with White the girl spoke in a clear, soft voice. On the witness stand she appeared for the first time in court unveiled, and her beauty was remarked on all sides. It is of a girlish type, a mass of dark hair framing a face of daintily molded features.

“Evelyn Nesbit Thaw,” called the clerk in a tragic voice, as soon as the trial opened for what was fated to be its greatest day.

The court room was hushed. Three hundred newspaper workers, flashing bulletins to every American city, to London, Paris, and isles beyond the seas, hardly breathed, leaned forward excitedly, and the crisis in the greatest legal battle ever fought was on!

The familiar figure in blue, now for the first time without her veil, appeared from the judge's chambers. She stood near the jury box as Clerk Penny administered the oath.

"I swear," repeated Mrs. Thaw in an audible voice at the end of the formal declaration, which was made just a little more impressive than usual. "I solemnly swear before the ever living God to tell the truth, the whole truth and nothing but the truth!"

Mrs. Thaw took her place in the witness chair calmly. She looked steadily ahead at Mr. Delmas and gave her answers to his first questions in a clear and firm voice, which was soft in quality.

Harry Thaw smiled at his wife as she walked to the witness stand, but she apparently did not see him at the moment. After she was seated, however, she smiled faintly at the prisoner and blushed crimson.

In answer to Mr. Delmas' first question Mrs. Thaw said she was born Dec. 25, 1884. She told of going to the Cafe Martin to dinner the evening of June 25 with her husband, Thomas McCaleb, and Truxton Beale.

"While you were at the Cafe Martin did you see Stanford White?" asked Delmas.

"Yes," answered Evelyn.

"At what time did you see him?"

"I don't know; it was some time after we arrived."

"Where did you first see him?"

"Coming in at the Fifth avenue entrance."

"How long did you see him?"

"I don't know. He passed through and went on to the balcony."

"While he was on the balcony could you see him?"

"No."

"Did you see him leave?"

"Yes. I saw him come in from the balcony and go out of the Fifth avenue entrance."

"While you were in the Cafe Martin, did you call for a pencil?"

"Yes."

"From whom?"

"I think from Mr. McCaleb. He said he did not have one."

Mrs. Thaw said that McCaleb sat on her left, Beale on her right, and Thaw was facing her.

"Did you ask again for a pencil?"

"Yes, I got one from some one, I don't remember whom."

"Did you write a note?"

"I did."

"On what?"

"A slip of paper. I think Mr. McCaleb gave it to me."

"What did you do with it?"

"I passed it to Mr. Thaw."

"What did Mr. Thaw do?"

"He said to me: 'Are you all right?' I said: 'Yes.'"

"What was your condition as to being disturbed or affected?"

Mr. Jerome's objection to the question was sustained.

"Was there anything unusual in your manner that was visible to others?"

Again an objection was sustained.

"After this how long did you remain?"

"Only a short time."

"Mrs. Thaw, have you that slip of paper now?"

"I have not."

"Have you seen it since?"

"No."

"Did what you wrote refer to Stanford White?"

Mr. Jerome objected on the ground that the note itself was the best evidence.

"After you left the restaurant, you went to Madison Square Roof garden?" asked Mr. Delmas.

"Yes."

"About what time was it?"

"About the middle of the first act."

Mrs. Thaw said that she sat in a seat beside Mr.

Beale and Mr. McCaleb. Her husband went to the back of the theater; she said. He was away about fifteen minutes, when he returned and took a seat beside her.

"How long did he remain at your side?"

"About half an hour."

"What was his manner then?"

"It seemed to be the same as ever."

"Did you talk about anything special then?"

"No, just general."

"Who suggested going away from the garden?"

"I did."

"The play wasn't interesting to you?"

"Not a bit," said the witness.

"How did you start when you went out?"

"I think that Mr. McCaleb and I were in the lead and Mr. Thaw and Mr. Beale followed."

"How far had you gone when something happened?"

"Almost to the elevator. I had turned around to speak to Mr. Thaw."

"How far were you from Mr. White then?"

"About as far as the end of the jury box."

"You saw Mr. White sitting there?"

"I did."

"Did you see Mr. Thaw then?"

"Not until a minute or so afterward. He was directly in front of Mr. White, standing with his arm up in the air."

"Did you hear shots fired?"

"Yes, immediately after I saw Mr. White I heard the shots."

"How many shots?"

"Three shots."

"What did you say?"

"I said to Mr. McCaleb: 'I think he has shot him.'"

"Did Mr. Thaw come over to where you were?"

"Yes, I asked him what he had done. He leaned over and kissed me and said: 'I have probably saved your life.'"

"What happened then?"

"I left."

"You were taken from there?"

"Yes, I think with Mr. McCaleb and Mr. Beale."

"You left and did not return?"

"Yes."

"You said that you are the wife of the defendant?"

"Yes."

"When were you married?"

"On April 4, 1905."

"Where?"

"In Pittsburgh, at the residence of Dr. McEwen, pastor of the Third Presbyterian church."

"Who were present?"

"I think Josiah Thaw, Mr. Thaw's brother," the witness went on, after a moment.

"When had Mr. Thaw proposed for the first time?"

"In June, 1903, in Paris."

"At the time did you refuse him?"

"I did."

"Did you state in explaining your refusal of his proposal that it had something to do with Stanford White?"

"Yes."

"State what happened."

"Mr. Thaw told me that he loved me and wanted to marry me. I stared at him for a moment and then he said, 'Don't you care for me?' and I said that I did. Then he asked me what was the matter. I said 'nothing.' 'Why won't you marry me?' he said. He put his hands on my shoulder and asked, 'Is it because of Stanford White?' and I said 'yes.' Then he told me he would never love any one else or marry any one else. I started to cry. He said he wanted me to tell him the whole thing. Then I began to tell him how I first met Stanford White."

At this frail Evelyn collapsed utterly. Falling back in her chair, her beautiful features ghastly pale, she murmured:

"I can't go on! I can't! I can't!"

The court windows were opened, an alienist who was present applied restoratives, and in a few minutes Mrs. Thaw was able to go on to the story of her ruin.

Evelyn Nesbit's First Public Appearance

Sweet-voiced Child of 5 Sang Requiem for the Dead in Village Church, Moving Congregation to Tears.

Florence Evelyn Nesbit was a particularly interesting child, very quiet, somewhat shy, and did not easily make friends with anyone, but when one did gain her confidence she was a loyal friend. She was a very beautiful child and had a remarkably sweet voice for one so tender in years.

Her gift was so marked that she made her first public appearance at the age of 5. It was at a memorial service in the Methodist church of which her parents were members. It was held in honor of the members who had died during the year. The church was decorated for the occasion with an immense bank of evergreens completely screening the pulpit.

In the midst of a solemn hush in the service came the dulcet voice of a child singing. It was little Florence Evelyn, hidden behind the evergreens, and in tones that will never be forgotten by the hearers, and which were clear and distinct in all parts of the edifice, came the words of the hymn, "We Are Going Down the Valley One by One." Before the song was half finished nearly the entire audience was moved to tears.

Softly, tremulously, yet distinctly, came the impressive burden of the song. It was a splendid triumph for the child, and it still lingers in the hearts of the people who were there, its remembrance helped them in the midst of her trials to sympathize with and pity her.

CHAPTER VIII.

Evelyn Reveals White as a Fearful Monster.

STAGGERING BLOW TO PROSECUTION—MOB OF WOMEN FIGHTS TO ENTER COURT—PATHETIC SCENE—HAND OF MAGICIAN SUGGESTED IN DOORS THAT OPEN WITHOUT HUMAN AID—AT AGE OF 16, BEAUTY FELL INTO CLUTCHES OF UNSCRUPULOUS MILLIONAIRE—THOUGHT WHITE AN “UGLY MAN”—RED VELVET SWING IN DEN OF MIRRORS—BEAUTY DRUGGED WITH WINE—MOTHER’S INFLUENCE REVEALED—PHOTOGRAPHED IN KIMONO—LURED TO WHITE’S STUDIO.

The staggering blow to Jerome was about to be dealt. Tense, nervous, and thrilled with emotions of pity, the spectators hung on every word of the pale Evelyn when she resumed her testimony.

Word of the impending revelations mysteriously got outside the court-room, although the doors were barred.

The corridors were filled, and scores of people, many of them women, tried in every possible way to force themselves by the officers at the courtroom doors, but after the preceding afternoon’s laxity the bars were put up again and very few were allowed to pass.

However, half a score of women managed to suc-

ceed. They were attired in their gayest costumes, in marked contrast with the costume of Mrs. Thaw.

Evelyn on the stand did not look even her 23 years. She was dressed in a plain dark blue gown, with a long coat and wore a broad white linen collar. Her hat was dark and low in the crown, with a broad soft brim, and trimmed with a small bunch of violets. She wore her hair in a loose knot low on her neck, tied with a large black ribbon. Her face, which until she took the stand, was unusually pale, was first flushed, then ghastly in its pallor. It was marked with delicate eye-brows and long lashes. Her eyes were large and dark, and appealing, and her dark hair required frequent brushing back from her eyes. Her slender figure was tense with excitement, and her voice was usually firm and clear.

Even while the women were fighting their way into the room, the questioning was resumed. Mrs. Thaw told of the startling crime of Stanford White, that blighted her young life, and made her beauty a mockery.

Attorney Delmas, ever alert to forestall the mass of objections by Jerome at every opportunity, cautioned the witness:

"Be kind enough to remember you are to omit," said Mr. Delmas, "in relating the narrative of what you told Mr. Thaw, the name of any other person save that of Mr. White. Now continue."

"A young lady asked my mother several times to



EVELYN NESBIT AS "THE SUNBONNET GIRL"
when 16 years old.

let me go out with her to lunch," said the fragile beauty, Mrs. Thaw. "She came again and again to me before I sent her to my mother, finally, and she said, 'All right.' My mother finally consented."

"Proceed."

"On the day I was to go my mother dressed me and I went with Miss ——, the other young lady, in a hansom, hoping we would go to the ballroom, because I wanted to see it. But we went straight down to Broadway, through Twenty-fourth street up to a dingy looking door. The young lady jumped out and asked me to follow her."

Mr. Jerome objected to the form of the narrative, and he asked: "Did you relate all that to Mr. Thaw?"

"Yes," said the witness. "He told me to tell him everything."

"By the way," interjected Delmas, "what was the date of that event?"

"As nearly as I can remember," with a pucker of forehead, "it was in August, 1901."

"You were then 16 years and some months old?"

"Well, now I want you to tell of your first meeting with Stanford White just as you told it to Mr. Thaw on that day," directed Delmas.

The show girl said that a chorus girl, Edna Goodrich, asked her to a luncheon party where she would meet White. She and Edna took a cab and went to the studio on West Twenty-fourth street. The wit-

ness said the doors seemed to open of themselves.

"We went upstairs," said Evelyn, "and there I met a man who was introduced to me as Stanford White. I thought him an ugly man. There was a table already set for four. Another gentleman came later. I remember Mr. White teased me about my hair, which I wore down my back, and my short skirt, which reached to my shoe tops. After supper we went up two flights of stairs more, and in the room was a large red velvet swing. Mr. White put me in the swing and swung me very hard. When we swung very hard one foot crashed through a large Japanese umbrella which hung from the ceiling."

"Your mother dressed you to go?"

"Yes."

"I must caution you to tell only what you told Mr. Thaw."

"I will," said the witness, and went on; "The dingy door opened, nobody seeming to open it."

"What did you do then?"

"We went up some steps to another door, which opened to some other apartment. I stopped and asked the young lady where we were going and she said: 'It's all right.' A man's voice called down 'Hello.' "

"Who was it?"

"It was Stanford White," said the witness clearly.

"What did you find in the room or studio to which you went?"

"A table set for four."

"This is all what you told Mr. Thaw," put in Mr. Jerome.

"It was," said young Mrs. Thaw, "I told him everything."

There was a halt in the testimony here while Mr. Jerome and Mr. Delmas whispered.

"How were you dressed?" asked Mr. Delmas.

"I wore a short dress, with my hair down my back."

The witness said they went up into another room, where a big Japanese umbrella was swinging.

Mr. Jerome objected to the testimony on the ground that he would have no opportunity to prove or disprove the facts alleged. Mr. Delmas said the defense would offer no objection to the district attorney probing the correctness of the facts.

Mrs. Thaw then said that afterward she and her companion went for a drive to the park, then returned to the house with White. She said when she got home she told her mother everything that happened.

"Did your mother subsequently receive a letter from Stanford White?" was asked.

"She did."

"What was in the letter?"

"It asked my mother to call on Mr. White at 160 Fifth avenue."

"Did you tell Mr. Thaw about that?"

"I did."

"When your mother returned did she tell you anything?"

"She did."

"What did your mother tell you?"

"He asked her to take me to a dentist and have my teeth fixed and for her to have her own fixed, too. She said: 'No; that it was a very strange thing.' Mr. White told her that he did that for the other Florodora girls."

"When did you next see White?"

"I saw him in the studio. I got a note from him previously inviting me to a party and saying a carriage would be waiting for me on the corner. Before that he had sent me a hat, a feather boa, and a cape. There was another man and girl with us."

Mr. Delmas mentioned the names of the others to Mr. Jerome.

"Where did you go?"

"To the studio in Madison Square tower. We had a very nice time there. Mr. White said I was only to have one glass of champagne, and that I was to be brought home early. I was brought home early to the door of my house. I told Mr. Thaw that we had several parties of this kind in the tower."

"Did you see Mr. White again?"

"Yes, he came to see my mother, told her that I would be all right in New York, and that he would take care of me."

Mrs. Thaw said she met White in September, 1901.

in a studio in East Twenty-second street. The door opened of itself, she said; and the house looked at first as if no one lived there. She said that she went upstairs and met Mr. White, a photographer, and another man.

The witness whispered the name of the man to Mr. Jerome, who wrote it down.

“What did you see there?”

“There was a lot of expensive gowns there.”

“What happened?”

“I went into the dressing-room to put on the dress. Mr. White knocked at the door and asked if I needed any help. I said, ‘No.’ ”

Mrs. Thaw related in detail her experience in the photographic studio and said she posed until she was very tired and that White, who had come in, ordered food and they had something to eat. The photographer left, she said, and after they had lunched she went into a dressing room to remove her kimona and put on her dress.

“I shut the door while I was inside,” added the witness. “Mr. White came to the door, knocked and asked me if I wanted any help. I said: ‘No.’ ”

The former artist’s model testified that she drank but one glass of champagne and when she was dressed she got into a carriage and was taken back to the hotel.

“The next night,” she continued, “I got a note from Mr. White asking me to come down to the studio

for luncheon after the theater with some of his friends. A carriage would call for me, and would take me home after the party, he wrote. I went down to the Twenty-fourth street studio again and found Mr. White and no one else there.

"'What do you think,' he said to me, 'the others have turned us down.' Then I told him I had better go home, and he told me that I had better sit down and have some fruit. So I took off my hat and coat. Mr. White told me he had other floors in the garden, and that I had not seen all of his place. He would take me around and show me, he said.

"So he took me up some stairs to the floor above, where there were very beautiful decorations," went on Mrs. Thaw. "I played for him, and he took me into another room. That room was a bedroom. On a small table stood a bottle of champagne and one glass. Mr. White poured out just one glass for me, and I paid no attention to it. Mr. White went away, came back and said: 'I decorated this room, myself.' Then he asked me why I was not drinking my champagne and I said I did not like it; it tasted bitter. But he persuaded me to drink it and I did.

"A few moments after I had drank it there began a pounding and thumping in my ears and the room got all black."

Mrs. Thaw was almost in tears at this statement.

"When I came to myself I was greatly frightened and I started to scream. Mr. White came and



EVELYN NESBIT
Picture taken in Stanford White's studio.

tried to quiet me. As I sat up I saw mirrors all over. I began to scream again, and Mr. White asked me to keep quiet, saying that it was all over.

"When he threw the kimono over me he left the room. I screamed harder than ever. I don't remember much of anything after that.

"He took me home and I sat up all night crying."

Regard for the morals of the young prevents the publication of the awful details disclosed at this point in the evidence. The yellowest of yellow journals omitted the hideous details flashed over the wires, and with all the shocking evidence published, the public has no conception of awful facts revealed by this pitiful tragedy.

"What did he say afterward?"

"He made me swear that I would never tell my mother about it. He said there was no use in talking and the greatest thing in this world was not to get found out. He said the girls in the theaters were foolish to talk. He laughed afterward.

"He said it was all right—that there was 'nothing so nice as young girls and nothing so loathsome as fat ones. You must never get fat.' "

The black heart of Stanford White was disclosed in all its hideousness at last! The final shred of respectability had been torn from his reputation. The almost fainting Evelyn had completed the human sacrifice. Her life story, tragic beyond human comprehension, had been told under oath—told to a jury

that gasped at every sentence; shuddered at every disclosure. It was the coup d'etat of the defense! the staggering blow reserved to overwhelm Jerome and his allies. What a story it was that the poor little victim of a sybaritic brute told! What a tale of Nero's time it seemed to be! Tiberius and Caligula planned dens and stage settings such as Evelyn Nesbit described in the haunts of Stanford White. Did Tiberius and Caligula ever plan darker, more foul conspiracies against helpless little girls than the plots of the great architect seemed to have been? And with the telling of the heart-rending story came new thoughts, new lights upon the shadowy life of the man who died before the pistol of Harry Thaw.

No one ever denied that Stanford White, no matter what he may have been, was a generous giver, a good Samaritan in the time of need. He supported Evelyn, her mother, and her brother, in royal fashion.

What was to be deduced from the largess of White, both to the Nesbits and to scores of others?

Was the licentious architect a Jekyll and a Hyde?

Or did the weight of remorse and gloomy shame bear down upon this strangest of men in such degree that he strove mightily to salve his conscience and his bitter memories?

Or was White "a bookkeeper with the Fates"—a man who tried ever to balance the accounts of good and bad, so that the final reckoning might find his ledgers balanced? There are many men who keep

the lists of debits and of credits—who strive to make a deed of kindness balance every deed of crime. Was White such a man—bookkeeping with the Fates, and seeking by princely generosity to offset the debits of unscrupulous passion? She sat in the witness chair, a tiny, shrinking figure, and she spoke out the horrid details of the criminal outrage upon her; unhesitating and unbreaking. The kindliness of White, all with its ultimate hideous object masked beneath the roses; the mirrored room in the architect's hidden lair; the drugged wine; the awakening—all these things the little Evelyn told with the close precision of a seared and branded memory. And when the story had been spun the shrewd and skillful Delmas smiled serene, well knowing that a probably fatal blow had been dealt the prosecution. The "learned Jerome," as Delmas suavely called him, spent the night before planning and massing his artillery. He had a fearful day of defeat and sorrow.

CHAPTER IX.

Intrigue Like Those in Days of Nero.

EVELYN TELLS HOW WHITE PLOTTED WITH FALSEHOODS AND MONEY AS HIS INSTRUMENTS, TO BLAST HER LIFE BY FORCING HER TO LEAVE HARRY THAW—SOUGHT TO WRECK HER LOVE—HUSBAND GHASTLY IN COURT—LAWYER DICTATED “AFFIDAVIT” ACCUSING THAW, WHILE BEAUTIFUL ACTRESS WEPT—BREACH OF PROMISE SUIT CONSPIRACY—BLACKMAIL HINTED—WHITE FLEECED—ARCHITECT EVEN TRIED TO STEAL EVELYN FROM HUSBAND—JACK BARRYMORE, ACTOR, BROUGHT INTO CASE—WANTED TO MARRY WITNESS—PROPOSED TWICE—RUIN OF OTHER GIRLS BROUGHT UP—EVERYBODY AFFECTIONATE BY TRAGIC STORY.

“I refused to marry Harry at first because I loved him—it was because of my reputation. I loved him more than all else—more than my own life. I did not want to ruin his career, to estrange him from his family and blast his future,”—Evelyn Nesbit Thaw told the Jury.

Intrigue—a story of intrigue by Stanford White to steal Evelyn Nesbit’s love away from Harry Thaw by means of false, shocking stories of cruelty to other women was bared by the fragile Evelyn the second day she was on the stand.

Spectators shuddered at the diabolical ingenuity of

White, millionaire, famous and feted, who, with noble aims ready for his mind, diverted his talent instead to hideous crimes.

The ordeal of the witness chair had made nervous wrecks of the frail woman and of her husband, for whose life she was battling. Young Thaw for the first time since the trial began had lost the spring in his step, and instead of walking briskly to his place at the table of his counsel he moved hesitatingly and looked constantly from left to right about the court-room. The big crowd seemed to annoy him. The pallid face broke into a faint smile as the prisoner recognized his brother, Edward Thaw, who was the only member of the family in court.

"Call Mrs. Evelyn Nesbit Thaw to the stand," requested Mr. Delmas of the clerk.

When she appeared and took her place in the big witness chair Mrs. Thaw was dressed precisely as on the previous day. She was extremely pale and her lips trembled visibly as she replied to the first simple question asked her by counsel.

"Please relate what you told Mr. Thaw besides what you stated before," said Mr. Delmas, looking at Jerome, as if to say, "You cannot stop me now."

"He asked me how I came to speak to Stanford White after my return from Europe," said Mrs. Thaw. "I told him I was driving down Fifth avenue one day in a hansom cab with my maid and we passed

Stanford White. I heard him exclaim: ‘Oh, look at Evelyn.’

“A few days later I was called to the telephone and it was Mr. White. He said: ‘My, but it is good to hear your voice again,’ and said he wanted to come and see me. I told him I could not see him. He said it was very important that I should see him at once. He said he had had much trouble with my family and must see me. I asked if my mother was ill.”

“He said it was a matter of life and death—he could not tell me over the telephone. So he came to see me at the Hotel Savoy.

“When he came in he tried to kiss me, but I did not let him. He asked me what was the matter. I told him to sit down and asked him again if my mother was ill. He said, ‘No,’ and at once began to talk about Harry Thaw. He told me that different actresses had told him that I was in Europe with Harry Thaw.

“He said presently that Harry Thaw took me to Europe, and asked me why I went around with a man who took morphine. He said positively that Harry Thaw took morphine, that he was not even a gentleman, and I must have nothing to do with him.

“After that he came constantly to see me. He also sent people to me who told me stories about Mr. Thaw, the stories I told yesterday. I told Mr. Thaw afterward that the stories worried me so much I could

not sleep nights. I got very nervous, for I knew Mr. Thaw was coming over and I did not want to see him. I told Mr. White I did not want to see Mr. Thaw.

“One day Mr. White telephoned me that he was going to send a carriage for me and I was to come to Broadway and Nineteenth street. I did so, and White met me and got into the carriage. He said he was taking me to see Abe Hummel, the greatest lawyer in New York, who would protect me from Harry Thaw. He said I was not to be afraid of Mr. Hummel; he was a little man with a big, bald head, warts on his face and was very ugly.

“When I got to Mr. Hummel’s office Mr. White went away. Mr. Hummel’s office walls were covered with photographs of actresses, with writing on them. He asked me how I came to go to Europe with Harry Thaw, and I told him that I didn’t, I went with my mother and Thaw followed us. He asked me about my quarrel with my mother in London. I said it was a continuous quarrel between us; we simply couldn’t get along. She wanted to come home to America and I said she could come, but I was going to stay there and return to the stage; but the doctor told me I couldn’t dance for a year. Hummel asked me all places where I went with Thaw.

“I told him all I could remember. He said I was a minor and that Thaw should have been more careful. He said he had a case in his office against Thaw,

but the woman in the case was a very bad one and he did not think the case was much good.

"Then he said Thaw was a very bad man, and, above all things, I must be protected from him. Mr. White then said that the other man was to get Harry Thaw out of New York and keep him out.

"They asked me if I went to Europe of my own accord, and I said I certainly had. I said I remained in Europe after my mother left because I had quarreled with her and could not dance for a year, and I liked Mr. Thaw very much and could not do anything else.

"'Nevertheless,' Hummel said, 'you are a minor and he should not have taken you away from your mother.' I said he did not take me away.

"Mr. White said that strong methods must be resorted to to keep Thaw out of New York, and to protect myself I must help in every way I could.

"Mr. White said I must leave everything in Mr. Hummel's hands. Then they sent for a stenographer, and the lawyer said I must not interrupt him in what he was about to say. I was very nervous and excited, and I think I began to cry. Then they began to dictate and put in a lot of stuff that I had been carried away by Harry Thaw against my will. I started to interrupt, but the lawyer put up his hands and stopped me.

"They put in that I had been taken away from my mother and a lot of stuff that was not true—that



JUSTICE FITZGERALD
Judge in charge of trial.

I had been treated badly by Mr. Thaw. Then they sent the man out of the room.

"Several days later Mr. Hummel called me up and asked if I had any letters from Mr. Thaw.

"I said I did, but I could not see what that had to do with it. Mr. White also called up and said if I was not willing to help in every way they could not protect me from Mr. Thaw. He said I must do just what Mr. Hummel said. So I made the letters up in a bundle and took them down to Mr. Hummel's office. He said he did not want to read them, and did not care what they contained. He asked, however, if they were love letters, and I said 'yes.'

"He said he just wanted to hold them over Harry K. Thaw's head. He sealed them up in a big envelope so I could see, he said, that he did not care anything about them.

"Then he asked me why I did not sue Harry Thaw for breach of promise. I said that was absurd, for if there had been any breach of promise it was on my part. He said that did not matter.

"Mr. Hummel said a breach of promise suit would be a fine advertisement for me. I told him I did not care for that kind of advertising. He said lots of actresses had done the same thing and he had won lots of cases for them. He told me an English duke had once been sued by an actress for breach of promise. He declared he could easily win a suit for me. I said I did not want to sue anybody.

"This made Mr. Hummel very mad and angry and he told me I was foolish."

"What more did you tell Mr. Thaw?" suggested Mr. Delmas, to give the girl witness a breathing spell.

"Mr. Thaw asked me if I had signed anything in Mr. Hummel's office and I said I had not. He said that was funny, for if they wanted to cause trouble I must have signed something. I said I had signed absolutely nothing in Mr. Hummel's office.

"Mr. Thaw was very much agitated. He said Hummel was a blackmailer and he said, I think, that there was something bad in the air and he impressed me that he was going to see Mr. Longfellow, his lawyer."

Mrs. Thaw testified to going to her own lawyer and relating her experiences with Hummel. Her lawyer, she said, was greatly incensed at what she told him of her experiences in Hummel's office. Mrs. Thaw said:

"My lawyer, too, told me that Hummel was a shyster." A laugh went around the room. Hummel was at this time under conviction in a divorce scandal. Mrs. Thaw continued:

"Mr. Thaw told me that I had no business to speak again with Stanford White. He accused me of having been imprudent with Mr. White since I came back from Europe, and I said that it was a lie. He said it would look to people as if I was a blackmailer by going to Hummel's office."

"Did you tell of another incident?"

"Yes, I told him of one day when White came to the hotel Navarre and he was terribly mad, and walked up and down the room with a camp chair in his hand. 'My child,' he said, 'what did you tell Mr. Hummel about me?' I said I had not said anything, and then Mr. White said I must have told Hummel, because Hummel had just squeezed \$1,000 out of him and he was not going to send another \$1,000."

The witness, continuing, said that she did not know what she had signed when she signed the paper at the request of Mr. White in his office in Madison Square garden.

"I called Mr. White up on the telephone after I had talked to Mr. Thaw, and I demanded of Mr. White that he put the paper in the fire. He said he did not have it—but that it was in Mr. Hummel's office. I said: 'Very well,' and told him I was going down to Mr. Hummel's office immediately. He told me to not talk about the matter over the telephone, and I said I did not care who heard me. Then White said he would meet me on the corner and I met him.

"When I met him we went down to Mr. Hummel's office. He showed me the paper and showed me my signature and asked if it was mine, and I said it was. Then they put the paper in a big jardiniere and burned it. Afterward I told Mr. Thaw all about it and also saw Mr. Longfellow and told him.

"How did Mr. Thaw treat you from that time until he proposed marriage?"

"He treated me very nicely; carried me up and down stairs when I was sick and brought me flowers and took me carriage riding."

After her marriage to Mr. Thaw the witness said they took a trip through the west. While in Pittsburgh, she said, she had lived at the home of her husband's mother. She related how she had persistently refused to marry Thaw before she finally did so.

"What reason did you give him for not marrying him?"

"It was because of my reputation. I did not want to separate him from his family. I knew it would be a good thing for me to marry him, but it would not be for him. It was because I loved him that I would not marry. If I did not love him so much I might have been anxious to marry him."

Mr. Delmas got the witness to relate how she met some of the Thaw family in Europe.

"There was something happened which led you to change your mind in regard to marrying Thaw?" asked Mr. Delmas.

"Yes," answered the young woman.

"You were given to believe that his family would receive you as his wife?"

"Yes."

"Did you meet Mrs. Thaw, his mother, in New York?"

"I did."

"After your marriage did you visit New York from Pittsburg?"

"We did."

"Did you tell your husband of the efforts of Stanford White to renew your friendship?"

"I did."

"What was the first occurrence you told your husband about?"

"Once when I was driving on Fifth avenue, when I passed Mr. White and he called out to me, 'Evelyn.' "

"Did you tell your husband?"

"I did, and he said it was not right for me to see him and made me promise that if I ever met White again I would tell him about it."

"Did you tell him?"

"I did."

"When did you see Mr. White again?"

"It was on Fifth avenue one day when I was riding to Dr. Delavan to have my throat treated. I was in a hansom and Mr. White was also riding in a hansom, too.

"When I got home I told Mr. Thaw that at about Thirty-fourth street I had passed Mr. White, both of us in hansomis. He did not attempt to speak to me, but stared hard at me. I looked away. When I got down to the doctor's office I found Stanford White in his hansom coming there. I ran up the steps, but I was excited and nervous and I told the

door porter that I would come some other time, so I ran back down the stairs, jumped into my hansom, looked neither to the right nor to the left, and told the driver to go back to the Lorraine as quickly as ever he could."

"How did Mr. Thaw act when you told him of this?"

"Oh, he was always very excited whenever I told him of my meetings with White. He bit his nails and looked excited."

"Did you ever tell Mr. Thaw how you came to be sent to school at Pompton, N. J., and if so, relate it to the jury, and also wherein the name of Jack Barrymore entered into the discussion, and tell what your relations to Barrymore were."

"I met Mr. Barrymore when I was with the 'Wild Rose' company at the Knickerbocker theater. Mr. White gave a dinner to a whole lot of friends. I was asked to attend and I went there and met his friends at the party. Mr. Barrymore was there."

Mrs. Thaw privately mentioned the names of the members of the party to Mr. Jerome. She said that when she told White of "Jack" Barrymore's proposal he became very angry and said he would send her away to school to New Jersey. She continued to detail her relations with Barrymore, and her being sent to school.

"It all came about through a quarrel between Mr. White, my mother and myself over Mr. Barrymore,

continued the witness. One afternoon in Madison Square garden Mr. Barrymore said to me, ‘Evelyn, will you marry me?’ ”

Mrs. Thaw pronounced the name with a long “e.”

“I answered him, and said, ‘I don’t know,’ ” she went on.

“White asked me if I would marry Barrymore and said, ‘If kids like you get married, what would you have to live on?’ ”

“Every day after that when I would meet my mother she would ask me if I intended ‘to marry that little pup Barrymore,’ saying Mr. White was afraid I would.

“Mr. White then came to see me and said I would be very foolish to marry Mr. Barrymore; we would have nothing to live on, would probably quarrel and get a divorce. He also said Mr. Barrymore was a little bit crazy, that his father was in an asylum, and he thought the whole family was touched. He was certain Mr. Barrymore would be crazy in a few years, and for that reason said I ought not to marry him.

“Mr. Barrymore asked me a second time if I would marry him, and again I said, ‘I don’t know,’ and laughed. The upshot of the whole matter was that Mr. White came and said I ought to be sent to school, and I was.”

Mr. Delmas had asked Mrs. Thaw if Thaw had told her the fate of other girls ‘at the hands of this man White?’

Mr. Jerome objected to further "defamation being thrown on the dead, who have no chance to answer. The state is not permitted to controvert the truth of a single statement in this testimony," he added. "Stanford White is dead, and I object to this question, which is along a path which we can not follow."

Mr. Delmas said he had no desire to besmirch the name of the dead. He was introducing letters by Thaw to corroborate the question.

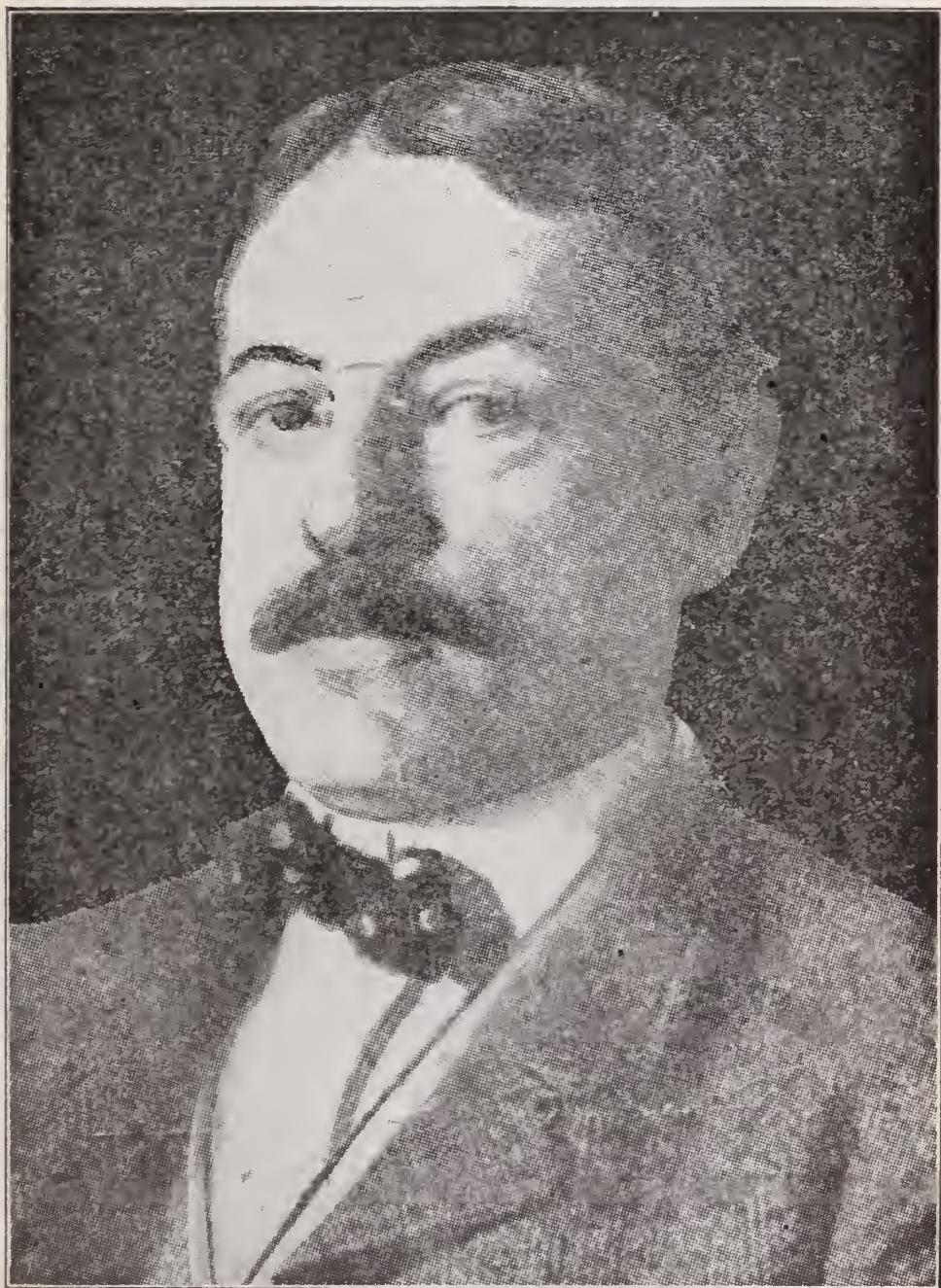
Justice Fitzgerald said he thought further competent evidence as to Thaw's insanity should be introduced before further testimony along the day's line was taken.

"We are ready to submit the proof," said Mr. Delmas.

The line of examination was changed and Mrs. Thaw was asked to identify more letters.

One of the papers Mrs. Thaw was asked to identify was Harry Thaw's will.

The old saying, "Nothing but good of the dead," must have recurred again and again to Mr. Jerome as the slender Evelyn told her story. It is a good old saying, but there is another: "The dead are safe—let us take care of the living." Jerome strove to protect the cold and unresponsive dead. Delmas tried to save the living, and the fragile little model was the life-line in his hands. Evelyn Nesbit's story, as she told it, showed new and curious lights and shadows in the character of White. One thing was



Best photograph of
DIST. ATTORNEY WILLIAM TRAVERS JEROME.

evident: White, once possessor of a victim, wished to cling to that victim through the years. Unlike nearly all other men of similar stamp, he did not cast aside his playthings when wearied of them. Possibly he had been like other men in this regard—possibly he had turned from many another victim in the past. But the frail and pitiful little Evelyn seemed to have enthralled his fancies, conquered his vagrant passions. All his thoughts were for her, and for her his future dreams. He lavished his bounty on her, and he strove to keep her from all other men. The story of Evelyn's affair with Jack Barrymore was a page in real life that made the courtroom crowd strain its eager ears. Barrymore, young, handsome, and romantic, had appealed to the girlish mind and eye. The burly White, with his 50 years, found himself fading into the background. He seized an opportunity to pose as "the friend of the family" by discrediting Barrymore and sending the little girl to school. It was an index to White's soul—but it showed that White, at least, had no idea of parting from or wearying of his victim.

What had Delmas done?

He made the jurors regard Stanford White as a fiend whose slaying was a noble deed.

He made the jurors thrill with sympathy for the fragile, pale-faced little Evelyn.

He showed cause enough ten times over for the dethronement of reason in the brain of Harry Thaw.

What more could any lawyer do?

CHAPTER X.

White on Verge of Arrest When Shot.

REV. ANTHONY COMSTOCK, THE FAMOUS REFORMER, TOLD HOW HARRY THAW HAD HIRED HIM TO GATHER EVIDENCE AGAINST ARCHITECT—PROOF OF ORGIES IN MIRRORED DEN FOUND BY DETECTIVES—HARRY WANTED TO PREVENT THE MAN FROM SEIZING IN HIS CLUTCHES OTHER YOUNG AND INNOCENT GIRLS LIKE EVELYN NESBIT—CASE OF CHILD ONLY 15 YEARS OLD LIKE MRS. THAW'S—HUSBAND MADE DESPERATE—ATTORNEY DELMAS TELLS HOW EVELYN'S STORY SHOCKED HIM—GREATER DISCLOSURES AHEAD.

Another blow to the prosecution, almost as great as that dealt by Evelyn in her testimony, came when Jerome learned that Thaw held in reserve the startling story of Stanford White's entire past, and was ready to produce it at any moment. Anthony Comstock, famous head of the Society for the Prevention of Crime, had the documents. Mr. Comstock prepared a statement for the defense, part of which is substantially as follows:

"I know that much of what Mrs. Harry Thaw has stated on the witness stand is true. I know that Stanford White's den in the tower of Madison Square garden was arranged as she described it, and that it was the scene of revelries. I know of at

least one specific instance. And what I know I learned after I had been given the first clews by Harry Kendall Thaw himself.

"My first knowledge of this case dates from the summer of 1905—about a year before the killing, I should say. One afternoon a tall, well-dressed, well-bred young man came to me in my office in the Temple Bar building. He seemed to be laboring under excitement, and it was evident that he was desperately in earnest. He opened the conversation by asking me if I were interested in the suppression of vice. Then he wanted to know if my society gave special attention to the arrest and punishment of men who preyed upon young girls. I told him that we did. He jumped up abruptly, said he would see me again, and left without telling me his name. At the door he stopped long enough to say he would see me again.

"A few days later he came back, still laboring under strong emotion. He then introduced himself. As nearly as I can recall he said:

"'I am Harry Kendall Thaw of Pittsburg. I want to tell you of a man who has betrayed more young girls than any other man in New York. He is particularly given to pursuing the young girls of the stage. It is a debt which society owes to itself to halt him now, before he brings shame and sorrow to any more victims.'

"That in effect was his statement," continued Mr.

Comstock, "although of course I asked him a great deal more of the matter. He left after securing my promise to investigate. He agreed to pay the cost of looking into the case. He at once mailed me a check of sufficient size to defray the necessary expenses, and subsequently wrote me several times upon the subject of White, asking each time what progress we were making.

"Our investigation confirmed to a great degree what Thaw had told me. Our detectives were astounded at what they discovered. We worked hard and I learned a great deal, but of all cases these are the hardest to prove under the rules of evidence, and before risking an arrest I determined to catch White.

"I learned that his rooms in the tower were as Mrs. Evelyn Thaw had described them in the trial. Two of our detectives endeavored to hire rooms in the same tower in order to watch his goings and comings. The deal was almost completed when one of the detectives made a bungle. Something which he said or did gave the alarm to the janitor, and, although we were on the waiting list for a long time, and although several times apartments in the tower were vacant, we were never able to secure a suite or a single room.

"We were still vainly trying to arrange a trap for White from which there would be no escape when he dismantled his room in the tower.

"I learned positively of one case of White's conduct to a girl only 15 years old almost identically as Mrs. Evelyn Thaw describes her own case, but the girl was in the chorus of a road company, and we could not reach her and make a witness of her. We got evidence of other things—things that convince me that what Harry Thaw's wife now swears is true. I believe in her story and base that belief upon what I know of the man.

"The last time I saw Harry Thaw was only two or three weeks before he shot White. He appeared to be in a desperate state—like a man who is well-nigh frantic. He said to me wildly: 'You must keep on, you must stop this man, he must be stopped now—at once.'

The defense, on the same day that it secured the Rev. Mr. Comstock's statement, made another sensational discovery. It obtained proof that the day after the shooting of White, the police searched the studio of White and discovered evidence that showed that Evelyn Nesbit was not the only young girl who had been lured into the Madison Square Garden mirrored-room within a few months.

In the room "with mirrors to left and to right, in the ceiling and on the floor," in securely locked drawers built into the walls, the police found this evidence. That such a den of vice could have existed in the very heart of the great metropolis seems well nigh incredible. That such practices could have been

known by men of social standing, and without protest, is past belief.

Speaking after this discovery, Attorney Delmas was confident of the acquittal of Thaw.

"Before we put Evelyn on the stand," he said, "I heard her story but once. There was no rehearsal no attempt at dramatic play."

"The story as she told it in court was not half as dramatic as it was when she told it to me during our preparation of the case.

"Only once in my life have I been so touched with emotion as I was when Evelyn Nesbit first told me her story. That was at the burial of my father.

"As I sat there as a lawyer listening to the girl narrating the story of what she had suffered at the hands of Stanford White, the tears welled into my eyes and I fairly sobbed.

"She told me then that when she awoke and found Stanford White was alone with her in that mirrored bedroom he seemed to her like a big gorilla.

"His hair was disheveled, and the look in his face was like an animal. 'I screamed with terror,' she told me. She added many details, which, if she had told the jury, there would have been no need on her part to produce further evidence—as we had not rehearsed our part, I depended simply on her memory as to facts. The presence of the crowded courtroom disconcerted her to the extent that she omitted some of the most revolting features of that fatal night."



EVELYN NESBIT, AS "THE SUNBONNET CHILD"
Picture taken just before she met Stanford White.

CHAPTER XI.

Harry Thaw's Startling Will Disclosed Fear of Assassination.

DOCUMENT, INTRODUCED IN EVIDENCE AFTER A BITTER LEGAL FIGHT, PROVIDED \$50,000 OR MORE AS A FUND FOR THE HUNTING DOWN AND PUNISHMENT OF ANY PERSON WHO MIGHT ASSASSINATE HIM—\$75,000 LEFT TO CARE FOR YOUNG GIRLS WHO WERE RUINED BY A BAND OF DISSOLUTE MILLIONAIRES LIKE WHITE—MONEY FOR MRS. HOLMAN, WIFE'S MOTHER, AND FOR HOWARD NESBIT—DOCUMENT ALLEGED TO PROVE THE SLAYER INSANE—YOUNG MILLIONAIRE THOUGHT OF NOTHING BUT WIFE'S WRONGS—PUT DETECTIVES ON WHITE'S STRACK.

The day Evelyn Nesbit Thaw resumed the stand was a pitiful one for her husband. Harry Thaw was celebrating his thirty-sixth birthday—celebrating it in a prison cell, with the memory of his wife's shame, told on the stand, rankling in his mind.

"Be of good cheer," were the only words Thaw heard addressed to him by his wife that day, "everybody says you will be acquitted on the first ballot."

Mrs. Thaw was accompanied in court by her chorus girl friend and chum, May McKenzie, and by another close friend, Mrs. J. J. Caine of Boston. Mrs. Thaw heard Dr. Britton D. Evans, a noted alienist, testify



EVELYN NESBIT
at age of twelve years.

that he had made three separate examinations of her husband shortly after the murder, and on each occasion found him insane. He swore:

"Thaw exhibited delusions of a personal character, an exaggerated ego, and, along with them delusions of a persecutory character. He thought himself of exaggerated importance and believed himself persecuted by a number of persons."

By an "exaggerated ego," Dr. Evans said he meant "a disproportionate idea of importance of self, a belief that one is clothed with powers, capacity and ability far above normal or above those actually possessed."

These symptoms, he said, were characteristic of several mental diseases.

One of the mental diseases indicated by Thaw's actions, Dr. Evans declared, is known as adolescent insanity. It is characteristic of the development period of life—from 10 to 40 years. The person thus afflicted is known as having a psychopathic taint, a predisposition to mental unsoundness, the result of heredity.

The death of the wife of Joseph B. Bolton, who succumbed to pneumonia, delayed the trial for three days after Dr. Wagner's testimony, and for a time, grave fears that a new trial would be necessary, were expressed. The day after the funeral, however, the juror resumed his duties. Up to this point the defense had expended \$1,000,000 on the trial, and the

state had paid out \$250,000. If Juror Bolton had been incapacitated by his wife's death, all this expense would have been useless.

When the failure of the trial was feared, Mrs. Thaw sought to cheer her husband. Perhaps her woman's wit had warned her that she must look her prettiest, for on her visit to the Tombs prison she wore for the first time a new and modish little brown frock, its coat set off with jaunty silk fixings. She was radiant and smiling as she jumped out of her cab and ran up the steps to the iron gates of the Tombs.

As she waited to be taken to her husband, a jail guard showed her a message which had come in the mail for her husband. It was a postal card, a picture of a bunch of violets, bearing in a childish hand this inscription:

“Dear Mr. Thaw: I am a little Baltimore girl.
I send you this as a token of my sympathy. Yours,
“LULU BELL.”

The wife's face dimpled with pleasure. “Isn't that sweet?” she said. “I know Harry will appreciate it.”

Dr. Charles Wagner, the alienist, who took the stand when the trial was resumed, declared there could be not the slightest doubt that Thaw was insane at the time of the shooting, and told the jury that Harry had declared a “sudden impulse” made him slay White.

"Mr. Thaw said in his conversation with me," asserted the witness, "that he had no idea of killing White up to the very time he shot him. Thaw said his sole purpose had been to get evidence against White to send him to the penitentiary for his offenses against young women.

"White, declared Thaw, made a practice of his sins against girls, to pick out young women who had a disposition toward morality rather than toward girls with an inclination toward immorality.

"Thaw told me," said Dr. Wagner, "that White did not hesitate to use drugs or employ physical force to accomplish his evil purposes.

Mr. Jerome protested at "thus attacking the name of the dead," but in vain, and the doctor resumed:

"Thaw constantly referred to White as 'this man, this creature, the beast, the blackguard,' and said the man had sought to pollute every pure minded woman who came within the sphere of his observation.

"'I tried to save them,' Mr. Thaw said to us, and added, 'I did all in my power, I never wanted to shoot the creature. I never wanted to kill him. I knew he was a foul creature, destroying all the mothers and daughters in America, but I wanted through legal means to bring him to trial. I wanted to get him into court so he would be brought to justice.'

"I then asked him why under such circumstances he had shot Mr. White.

"‘Providence took charge of it,’ he replied. ‘This was an act of Providence. For my part I would rather have had him suffer in court the humiliation the revelation of his acts would have caused.’”

“Did he tell you what he had done, if anything, to bring White into court?” asked Mr. Delmas.

“He said he had gone to see Anthony Comstock, District Attorney Jerome and a private detective agency. He said Mr. Jerome had told him he had better let the matter drop; that there was nothing to it. The detectives told him they would take the matter up, but they had not submitted a proper report. As to Mr. Comstock, he said, he discovered that De lancey Nicoll, an attorney, was acting as legal adviser both to White and to Comstock. He regarded this as another link in the conspiracy against him.

“I asked him why he carried a pistol, and he said that Roger O’Mara, a Pittsburg detective, had advised him to do so after he had told O’Mara that on several occasions thugs had jostled him in an attempt to get him into a street brawl. He said these thugs were the hired agents of Stanford White, who did not want to take the responsibility and danger of making a personal attack. He said White had hired the Monk Eastman gang to get him into a quarrel and beat or kick him to death.”

After these astounding statements, to which the jury listened eagerly, the bailiff cried:

“Mrs. Evelyn Nesbit Thaw to the Stand!”

A thrill ran round the court.



MAY MCKENZIE
Beautiful actress friend of Evelyn Nesbit Thaw.



Mrs. Thaw looked pale and serious as she took her place on the stand. She appeared in the same simple girlish costume that she had worn every day since the trial began. She smiled slightly as she caught her husband's eye. Thaw returned the smile, and then turned to Attorney O'Reilly, with whom he talked for a minute excitedly. Then he kept his eyes fixed on his wife's face.

After Mrs. Thaw had sat in the witness chair for nearly five minutes, Mr. Delmas began his examination.

"You have already testified, Mrs. Thaw, that you are familiar with the handwriting of Stanford White," said the attorney. "I now hand you a paper and ask if from beginning to end it is in the handwriting of Mr. White?"

Mrs. Thaw gazed at the paper, evidently a letter, and said:

"It is his handwriting."

Letter by letter, Mrs. Thaw identified forty-two missives written by the architect.

As the examination of the letters was concluded Mr. Delmas turned to the witness.

"How long have you known May McKenzie?"

"Since 1901."

"How long has Mr. Thaw known her?"

"Since 1904."

"Did you in May, 1906, relate to Mr. Thaw a conversation you had with May McKenzie especially with

reference to what she said to you regarding Stanford White?"

"May McKenzie told me," said Mrs. Thaw, "Stanford White had been to see her and that she had told him that Harry and I were getting along finely together. She said she thought it was so nice the way we loved each other.

"She said Stanford White had remarked: 'Pooh, it won't last. I will get her back.'"

"Did Mr. Thaw say anything when you told him this?"

"He said he had already heard it from Miss McKenzie."

"What was his condition when you told him?"

"The way he always was when on the subject of Stanford White."

"How was that?"

"Very excited and nervous."

"You had a second operation in 1905, did you not?"

"Yes."

"Who made the arrangements for it and paid the cost?"

"Harry K. Thaw."

"How much was the bill?"

"In all about \$3,000. The operation itself was \$1,000."

The nature of the operation was not gone into.

"Did Mr. Thaw have any conversation with the

attending physician at that time regarding your previous relations with White?"

"No, sir; not in my presence."

"Did Mr. Thaw at the time of your marriage and subsequent thereto talk very much about the incident in your life connected with White?"

"Yes. He always talked about it. He would waken me often at night, sobbing. And then he would constantly ask me questions about the details of this terrible thing."

"Did you visit May McKenzie at her apartments in 1904?"

"Yes; she was ill and sent me a letter to come to see her."

"While you were there did Stanford White come in?"

"Yes."

"Did you tell Mr. Thaw of anything that then occurred?"

"Yes. Stanford White spoke to me several times and I always answered 'yes' or 'no.' He then came over and started to straighten a bow on my hair. My hair was short, having been cut off at the time of my first operation. Then Stanford White tried to put his arms around me, and wanted me to sit beside him on the bed. I told him to let me alone."

Mrs. Thaw said that Harry Thaw always attributed her ill health, the necessity of the second operation, etc., to White. She also testified that Thaw

had told her he was going to take up White's affairs with Anthony Comstock.

"I told him it would do no good," she added; "that White had many influential friends and that he could stop it. I told him that lots of people would not believe the things about White on account of his personality."

Harry had begun to weep when his wife told of the operations, and continued to sob bitterly.

"Did you and Mr. Thaw discuss the fate of other young women at the hands of Stanford White and did you tell him certain names?"

Mr. Jerome objected.

Mr. Delmas put another question:

"Did you and Mr. Thaw discuss the fate of the 'pie girl?'"

"Yes, sir. It was in Paris in 1903. He asked me what other girls I knew of who had suffered at the hands of White. I told him I had heard of the 'pie girl,' whose name was known to both of us. A girl at the theater had told me about it and that night when White came to my dressing-room I asked him about it. He asked me where I had heard the story. I told him a girl had told me. Then he told me all about it.

"There was a stag dinner, he said, and the girl was put in a big pie with a lot of birds. She was very young—about 15 years, I think he said. He also told me that the girl had a beautiful figure and wore only

a gauze dress. He helped put her in the pie and fix it, and said it was the best stunt he ever saw at a dinner. When the girl jumped out of the pie the birds flew all about the room.

"But I came near getting into trouble about it," he said. "We put gold pieces in the girl's shoes and in her dress and a lot of people heard of it. All the newspapers got hold of it. I stopped it at all the newspapers but one, but I could not stop it there. I got a friend to go see them, though, and we finally got them to stop it, too. We kept it out of the papers, but it was close.' "

"I told Mr. White I had heard he ruined the girl that night, but he only laughed."

The names of other girls ruined by White were whispered by Mrs. Thaw to Jerome, but not made public.

"When did Mr. Thaw next talk to you about such cases?" asked Delmas.

"The next time was in Pittsburg, when we were married. He told me that the girl was dead. He said he had investigated the story and that it was true; that afterward the girl married, but her husband heard the story of her connection with Mr. White and that he cast her off and she died in great poverty and disgrace."

"Did you and Mr. Thaw often speak of these girls?"

"Yes, there was a constant conversation. I could

not possibly tell you every place and every time we discussed it. He told me something ought to be done about the girls. I told him I could not do anything. He then said I could help him. I tried to get his mind on other things and then he would say I was trying to get out of it. He said White ought to be in the penitentiary; that he got worse and worse all the time and something had to be done."

This closed the direct examination, and Mr. Delmas then read a letter from Harry Thaw to Anthony Comstock, the foe of vice in New York. In it Thaw described the studio in the Madison Square tower, and said it was filled with obscene pictures, and should be raided. He also described the studio at 22 West Twenty-fourth street, which he said was "consecrated to debauchery" and was used by "a gang of rich criminals." He described the studio and said in it there were many indecent pictures.

In this building, the letter said, were the famous red velvet swing and the mirrored bedroom. He inclosed a sketch of the arrangements of the rooms. "Workmen on the outside of the building," says the letter, "have frequently heard the screams of young girls from this building."

The letter continued that the place was run by "rich criminals," but was frequently visited by young men who did not know its character. The letter said that the place had been partly dismantled three years ago.

The letter called attention to still another house, saying:

"You may also abolish another place at 122 East Twenty-second street—a house used secretly by three or four of the same scoundrels.

Mr. Delmas then asked permission to recall Mrs. Thaw for one more question—a startling one. Mrs. Thaw blushed violently and said in reply that White was a monster given to such practices that they would not bear repetition.

Evelyn Thaw, when first she told her story of alleged wrongs at the hand of the dead architect, did not falter in details as to the approximate time and circumstances.

"Counsel for the defense," said the attorney, in speaking of the progress, "are greatly pleased with Mrs. Thaw and her testimony. What pleases us most is that she followed the instructions given her, which were that she should tell the truth, no matter what question was asked her. We told her she was not to consider the effect upon herself or the defendant, but to tell the truth bluntly and without consideration of the consequences."

CHAPTER XII.

The Hidden Witness to the Proposal.

MRS. CAINE TELLS HOW HARRY THAW OFFERED EVELYN'S MOTHER A VAST AMOUNT OF CASH FOR HER HAND—EVELYN RECALLED TO THE STAND—TELLS OF POSING IN STUDIOS—ANOTHER DAY OF TORTURE—THE VISIT TO THE “DEAD RAT”—MRS. THAW IN TEARS—HUSBAND WEEPS WHEN SHE IS FORCED TO TELL HOW SHE WAS FOUND BY A VISITOR TO WHITE'S STUDIO—ADmits SHE VISITED HIM OFTEN AFTER THE “MIRRORSTUDIO” INCIDENT—ALMOST FAINTS ON STAND—HUSBAND IN TEARS—EVELYN IN DELIRIUM AFTER THE ORDEAL.

The next sensation in the trial came when Mrs. J. J. Caine, of Boston, a close friend of Evelyn Nesbit and her mother, Mrs. Holman, testified that Harry Thaw pleaded with Evelyn's mother for her hand in marriage. The scene which she dramatically described, occurred in New York, in 1903. Mrs. Holman was entertaining Mrs. Caine in her apartments at the time and when the young millionaire called, Mrs. Caine concealed herself in a bathroom where she overheard all that took place.

Mrs. Caine testified as follows:

“Harry Thaw entered the room excitedly and at once told Mrs. Holman that he wanted to marry

Evelyn. He told the mother of his desire to send the girl to Europe and said if she would marry him he would settle enough on the mother and her son, Howard Nesbit, to keep them in comfort during their entire lives. (Later testimony indicated this amount was \$200,000.)

Evelyn's mother said she would try to fix it so the seventeen-year-old girl would accept him. Mr. Thaw did not stay long, and when he left, Evelyn's mother said, "Now you see his intentions are honorable."

Thaw had never before known his conversation was overheard by an eavesdropper who would stand him in such good stead.

After Mrs. Caine left the stand Mrs. Evelyn Thaw was recalled for cross examination. For hours she sat before the merciless Jerome under a scathing cross fire of questions. Traps were laid and sprung, queries were hurled in volleys to carry her off her feet and overwhelm her in a tangle of contradictions, but all in vain; the mere slip of a girl met the skilled prosecutor with a calm and effective resistance.

Jerome's first step was to try to prove that Evelyn had posed in the nude. He first showed her a photograph of herself taken in 1904. It showed Evelyn in a kimono—the famous one given her by Stanford White. There was nothing offensive in the pose as disclosed by a view of the picture.

Mr. Jerome by his next few questions indicated that he did not intend to spare the feelings of the

young woman in any way. He interrogated her sharply as to the details of her dress when she was posing for artists in Philadelphia and New York, seeking to learn whether she posed in "the altogether" or partially draped. The prosecutor persisted in certain questions even after Mr. Delmas had objected, and insisted on having definite answers, though Mrs. Thaw usually said she could not exactly remember.

"Was there any exposure of the person or did you wear the so-called artistic draperies?"

"I would not say that," replied the witness. "I posed in a Greek dress and a Turkish costume."

Jerome questioned her especially as to her posing in New York, asking whether she had ever been photographed or painted with her person exposed. She answered positively that she had never posed in such a condition.

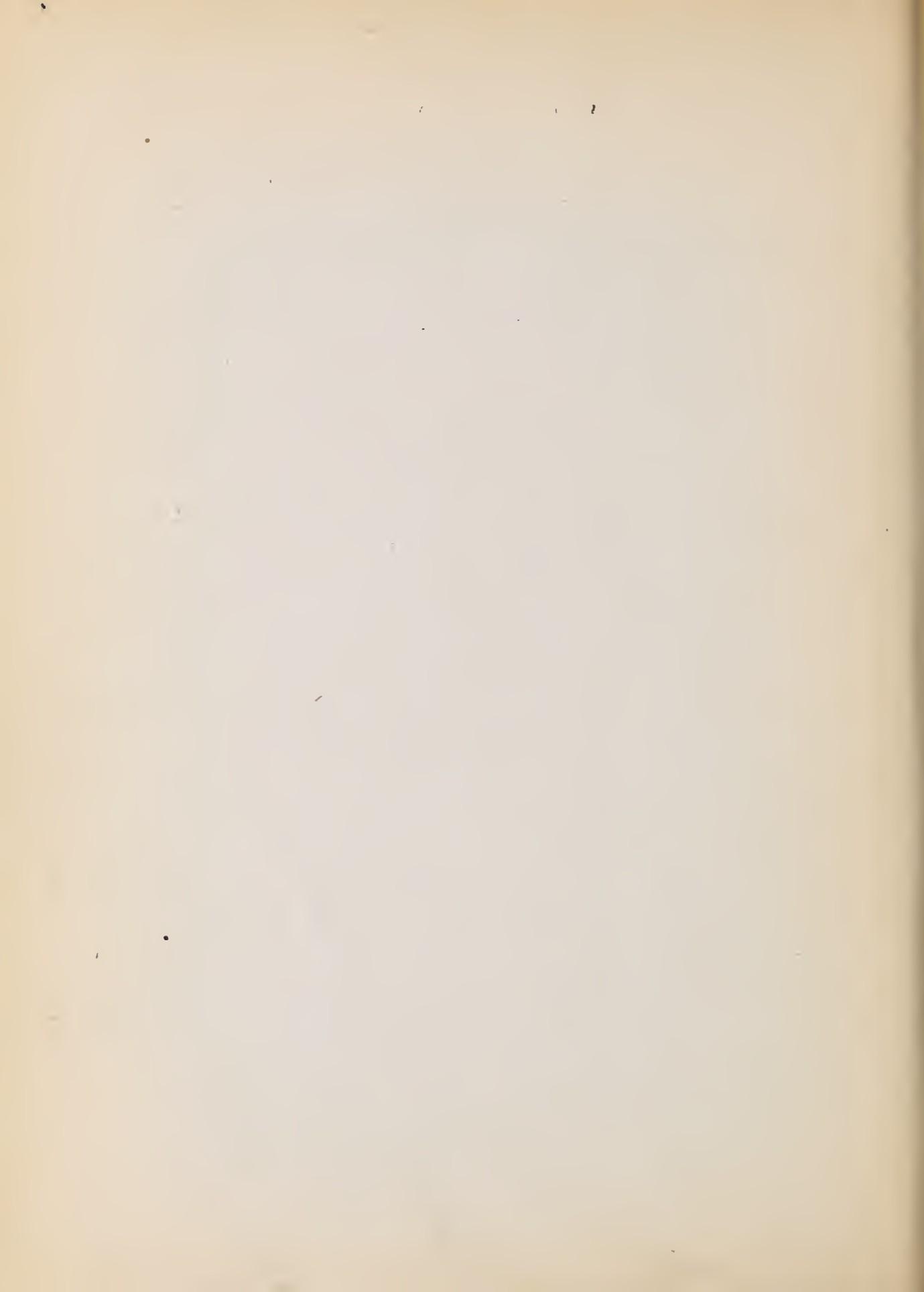
"You are certain you never posed for a painting or photograph in such a manner?" asked Jerome.

"I never did—I always posed with clothes on." She moved her hands from her throat to her waist and said: "Do you mean without anything on here? I have posed in low-neck, but never, never like that."

Then Mrs. Thaw told how she won her New York reputation as a model. She sent a picture of herself, under the name of Florence Evelyn to a New York magazine and soon was besieged by artists. Her mother aided her in her search for work.



Jerome cross-examining Evelyn Nesbit Thaw.



"Is it not true," went on Mr. Jerome, reading from a paper, "that in the spring of 1901, so far as your relations with your mother were concerned, that you were getting unruly, that your mother still stuck by you, that a married man—"

At this point Mr. Delmas interposed an objection to Mr. Jerome reading from what he termed a statement by Evelyn Thaw's mother.

"If the district attorney wants the mother's testimony in he should produce her on the stand," he said.

"I'd like to, but you know that it is impossible. You know where she is," said Mr. Jerome.

The question regarding Evelyn becoming unruly was allowed to stand.

"No," she answered decidedly.

"Is it not true that that married man was James A. Garland, and that he was getting a divorce, and that you and your mother frequently quarreled about him?"

"No, indeed." Mrs. Thaw drew herself up indignantly and stamped her foot.

"Is it not true that you went alone with him on the yacht?"

"Mamma and I, yes."

"Were you made a corespondent in Mr. Garland's divorce suit?"

Mr. Delmas objected. The record, he said, was the best evidence.

The question of photographs was resumed. Jerome asked:

"During this time did you ever pose for an artist in the nude?"

"Never."

"Ever have any casts made in the nude?"

"No."

"Did you not in the spring of 1901 have such a cast made?"

"No."

"Do you know Mr. Wells, sculptor?"

"No."

"Ever heard of him?"

"Never."

"How long did you know Mr. Garland?"

"Not long."

"When did your acquaintance with him cease?"

"When I met Stanford White."

"Isn't it true that Mr. Garland became very annoying when you lived at a certain apartment house?"

"No."

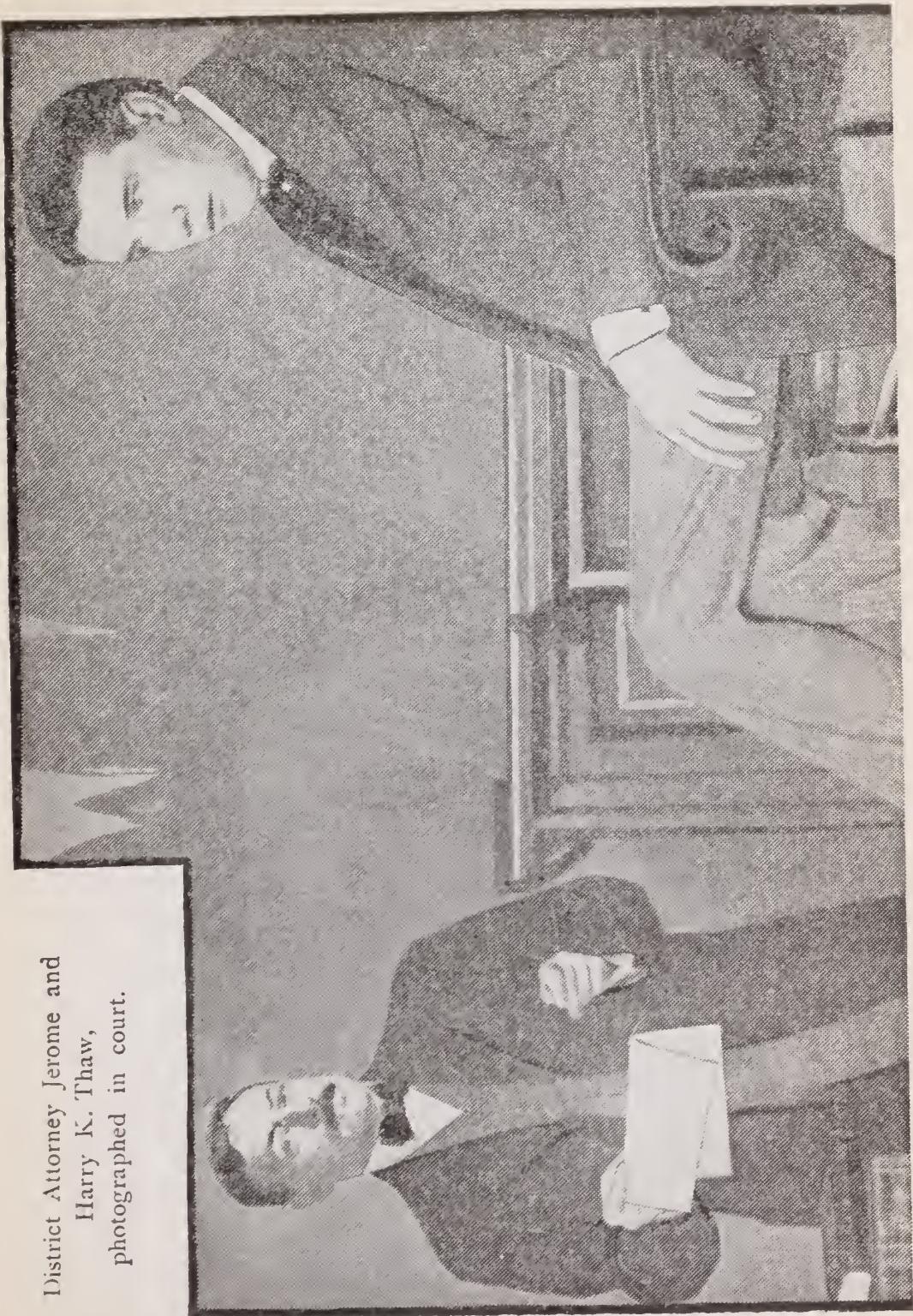
"Your recollection is clear that you posed in draperies the day before the mirrored-room incident?"

"Yes."

"Was there any exposure of the person?"

"The photographs were low-necked."

The ivory cheeks of the fair witness suddenly flamed with color and a look of mingled fear and



District Attorney Jerome and
Harry K. Thaw,
photographed in court.

anger crept into her big limpid eyes. She was about to break down when the hearing for the day was ended. It was a spell of sorrow to her husband and terror to the woman.

Another day of torture was in store and it came with the morrow. Jerome had prepared to make the ordeal terrific and under his pitiless lash Evelyn fell like a stricken doe. Jerome read his questions from notes carefully prepared, realizing it was useless to attempt to ensnare the witness any other way. Although he brought tears to her eyes, and caused her to wince again and again, she stuck to her story bravely.

"Did you continue to believe all women were what Stanford White told you until you talked with Thaw in Paris in 1903?" he thundered.

"Yes, sir," replied Mrs. Thaw meekly.

Then Jerome proved that Mrs. Thaw had visited a place in Paris called the Dead Rat in company with Harry Thaw.

"Before the time you left Paris, had you any appreciation that such things as you have described were considered as improper and positively wrong?"

"Not until my talk with Mr. Thaw."

"Before that you didn't believe it wrong; you did not think it improper?"

"Oh, yes."

"Very wrong?"

"Not particularly. I knew people said it was wrong."

"Did you think it very indequate and vulgar?"

"That is all."

"That it was only bad taste?"

"Yes."

"But you didn't think it was wrong?"

"I didn't fully realize it until I went to Paris."

"But you thought it was wrong?"

"Yes."

"Did you belong to any religious organization?"

"No."

"You went to church and Sunday school in Pittsburgh?"

"Not in Pittsburgh."

"In Paris it was impressed on you that White had done you a terrible wrong?"

"In a way."

"Before you left Paris you had begun to look on such relations as very wrong?"

"Yes."

"Had you come to a full understanding of the infamous character of White's act?"

"Yes—but not so much as I have now."

"Yet it was this that induced your renunciation of Thaw's great love?"

"Yes," said Mrs. Thaw, as tears welled to her eyes.

"Did you refuse Thaw solely because of the oc-

currence with White?" asked Mr. Jerome of the witness.

"Because I had been found out."

"Who told you you had been caught?"

"Friends of Stanford White."

"So it was not because of the occurrence, but because you had been found out?"

"It was both together. I had an instinct about it. When Mr. Thaw proposed it was the first proposal I ever had and it all struck me very seriously. It all came together."

"You felt the most heinous wrong had been done?"

"I didn't know anything about it at the time. All I remember is what I felt like when I woke up. I remember that distinctly. I didn't understand what had taken place."

"It outraged every maidenly instinct in you, didn't it?"

"It did, and that is why I quarreled with Stanford White."

"You were very bitter against White when you told Thaw, weren't you?"

"Not then."

"When you felt you were giving up Thaw's love you didn't feel bitter against White?"

"Not intensely. Not until Mr. Thaw made me realize it."

"Did you continue to have a feeling of enmity against White?" continued Jerome.

"I wouldn't say enmity—it was hostility against him for this one thing and subsequent things."

"What subsequent things?"

The prosecutor caught up Mrs. Thaw's own words?"

"Things with Stanford White," replied Mrs. Thaw.

"Were they improper and indecent?"

"I don't know what you would call them."

Mrs. Thaw then testified that while she was in London, before her marriage, her mother compelled her to write a friendly letter to White.

"While abroad did you tell your mother of your experience with White?"

"No."

"How did you know Stanford White's friends knew of your relations with Stanford White?"

"One of them saw me with him at the East Twenty-second street studio."

"Was there any impropriety there?"

"Yes."

"So you continued to maintain relations with Stanford White?"

"Yes, for a time."

Thaw buried his face in his hands. Tears were in Mrs. Thaw's eyes and she broke into sobs.

Mr. Jerome demanded the name of the man who had seen her at the studio. He asked the witness to whisper it.

Mr. Delmas wanted it publicly announced. A wordy conflict ensued, in which Mr. Jerome threatened to have the courtroom cleared. Justice Fitzgerald finally settled the matter, saying the name might be given to counsel, the court, and the jury.

"Did you tell Harry Thaw about these subsequent relations with Stanford White?"

"Yes."

"And you didn't think to tell us on your direct examination?"

"No."

"Can you fix dates as to these subsequent events?"

"No."

"How did you know this man knew of your relations with White?"

"He saw me one day with Mr. White in one of his studios."

"Were you and Mr. White alone?"

"Yes."

"And this was about a month after the incident with drugs?"

"Yes."

"How long did you continue to visit Mr. White?"

"Not after January, 1902."

"How many visits did you make?"

"I do not remember."

"Were they frequent?"

"No."

"Ten times?"

"I can't remember."

"Where did these visits take place?"

"At the Twenty-second and Twenty-fourth street studios and in the Tower."

"And on these occasions were you two alone?"

"Yes."

"Did you partake of refreshments there?"

"Yes."

"Were you drugged again?"

"No."

"Did you have too much wine?"

"Yes."

"What time of the day did these incidents occur?"

"Usually after the theater," replied Mrs. Thaw, wiping the tears from her eyes.

As to the nature of the operation which was performed upon her while she was at school in New Jersey the witness said she knew only what the nurses and doctors told her, that it was for appendicitis.

"Why did you not tell your mother all about your visits?"

"I would rather have died than to tell her," almost shrieked the girl.

During this period the prosecution established the following facts adverse to her:

That this beautiful girl, in the critical character-forming time of her life was practically without religious instruction or training.

That she was an associate of various men of evil

reputation and mingled with the gayest set of the intemperate, circles of Bohemia.

That she pursued a calling most dangerous to innocence and purity for any girl.

That she lived off the bounty of the man who she alleges committed a shocking crime against her.

That she held astounding and shameful ideas of morality.

This was Mrs. Thaw's worst day on the stand, when her tears flowed almost constantly. When she was forced to tell of her experiences in White's infamous studio, she almost fainted. With head buried in his hands, Thaw wept aloud. It was a pitiful scene. The husband was so far overcome that he could not take his customary notes on the trial.

Evelyn Thaw was delirious that night and fell in May McKenzie's arms at her hotel.

Is it a wonder that Evelyn Thaw wished to flee from further notoriety after Thaw shot Stanford White, according to a member of the Thaw household? She is said to have made hasty preparations to sail for Europe. When the Thaw lawyers learned of this, a council was called immediately, and Evelyn was induced to stay, as rumor had it, by liberal concessions of the Thaws.

CHAPTER XIII.

Lived on Bounty of Stanford White.

EVELYN THAW FORCED INTO FURTHER REVELATIONS—PROVED THAT WHITE PAID HER BILLS—ARCHITECT'S LETTERS AND RECEIPTS FOR MONEY PAID HER, READ—THAW CALLED WHITE'S CASH "POISON"—AMERICAN OFFICIAL DRAGGED INTO SCANDAL—JEROME PRODUCES EVELYN THAW'S DIARY AS A SCHOOLGIRL—EVELYN'S PHILOSOPHY—DECLARES HERSELF VERY "SUSCEPTIBLE"—ABE HUMMEL CALLED; LEAVES THE STAND WITH STORY UNSHAKEN.

More crushing than all the ordeals hitherto experienced, Evelyn Thaw was next compelled to admit the shameful fact that after her ruin she lived on the bounty of her betrayer. Documentary evidence was introduced to strengthen the hands of the merciless Jerome. A dozen times she took refuge in the answer, "I don't remember."

It was a bad day for the defense. The most sensational feature of the session was the introduction of her diary which pictured her a whimsical, strange little philosopher, even as a school girl.

Jerome sprang his coup with startling suddenness. He handed Mrs. Thaw a bundle of receipts representing money paid to her and her mother by Stanford White, and demanded that the fair witness identify her own signature on them.

There were fourteen receipts in all. They were for various amounts received from the Mercantile Trust company, where White had deposited a sum of money for Evelyn and her mother. The amounts varied from \$65 to \$110. The receipts were signed "Evelyn Florence Nesbit," the mother and daughter having the same name.

A letter and envelope addressed to White's private secretary by the architect were next offered in evidence. The letter said:

"Dear Hartnett: Please telephone Mrs. Nesbit to let you know whenever Miss Evelyn decides to go on her vacation. Then send this note to the Mercantile Trust company: 'Please notify Miss Nesbit that on receiving word she is about to start on her vacation you will send her the weekly checks for \$25 and an additional check for \$200.' Yours truly,

"STANFORD WHITE."

Evelyn was then compelled to admit that for several months in 1902 she lived at the exclusive Audubon apartments and that White paid the rent. Then she told of her meeting with Thaw and of her trip to Europe with him and of her recital to him of the story of her ruin, which, it was contended, wrecked his mind.

"When Harry learned I had a letter of credit from Stanford White, he grew very much excited," declared Mrs. Thaw. "He said the money was filthy and poisonous and that I must never touch it again.

He said he would take it so I could not use it. He said that he would give me anything I wanted, and that if mamma wanted anything she would only have to ask for it.

"When Mr. White gave me the letter of credit it was sealed up. I did not know what it was, and he told me I must not open the letter until we were well at sea. Whatever was used of the money was for my mother. Mr. Thaw gave it to her after I had given it to him."

Thaw gave her \$1,000 while she was in Paris.

Jerome had in some mysterious and unexplained way secured possession of a diary kept by Evelyn while she was at school at Pompton, N. J., in 1902. Rumor had it, that a handsome sum of money found its way to a member of her family for filching the booklet. Extracts from the diary were read to the fair witness, who admitted their authorship.

Some of the remarkable excerpts were:

"Mrs. De Mille (the head of the school) said to come right in and I jumped with the agility of a soubrette and began to get shy.

"I met Mrs. De Mille's son, and I must admit that he was a pie-faced mutt.

"My room here is neither large nor small. There is a white, virtuous bed. I took a nap, and the last thing I remember was, I wondered how far I am from Rector's. Rector's is really not a proper place for an innocent young person, but I always had a weakness for it."

"When one comes to think it over it is good to have lived. A girl who has always been good and never had any scandal about her is fortunate in more ways than one. On the other hand, not one of them will ever be anything. By anything I mean just that. They will, perhaps, be good wives and mothers, but whether it is ambition or foolish, I mean to be a good actress first.

"Of course, I can't live here all the time. And I can't forget all the old people. They do not know what they are doing here, but give them a chance to get away and see what they would do. If I stay here long I'll get just like the rest. I am very susceptible and I'll soon be a—"

"From the time you first became intimate with Thaw in 1903 until the shooting of White, June 25, 1906, did you ever see anything in Thaw's condition that was irrational?" asked Mr. Jerome.

"Yes."

Mrs. Thaw then detailed several instances. She said that one night while on Broadway in a cab, she and Thaw saw White. Thaw became much excited.

"I don't know what you would call it," she said, "but I would call it a fit. He cried and sobbed, and bit his nails and talked rapidly."

"Did you ever see a man in an epileptic fit?" asked Mr. Jerome.

"I've seen cats."

There was considerable laughter.

Mrs. Thaw said her husband told her that White was circulating scandalous stories about him and was plotting to have him killed.

Abe Hummel, a once brilliant and respected lawyer in New York with a large practice among theatrical people, was brought on the stand by the prosecution prepared to swear that Mrs. Thaw had made an affidavit in his presence that Harry had beat her in Paris.

The evidence was not admitted. Jerome tried, however, to prove that she had made the affidavit. Evelyn, who had left the courtroom, was recalled. She came drying her eyes and showing signs of bitter disappointment because she was not allowed to remain at her husband's side.

"You've a brother, Howard Nesbit?" began Jerome.

"Yes, sir."

"On your return from Europe in 1903, did you tell your brother Howard, in substance, that while you were abroad you had been brutally abused by Thaw to induce you to tell lies against Stanford White, and that these lies were that he had drugged and mistreated you, which story you told Howard Nesbit was false?"

"I did not."

"Didn't you tell your brother you were compelled at the point of a revolver to make some such statement?"

"I did not."

"Didn't you tell Howard these facts in substance at some time?"

"I—did—not!"

Each time this answer was repeated with greater emphasis and a longer pause between the three words.

Evelyn was excused again. Jerome had been trying to prove her a perjurer, but had failed.

This ended Evelyn's greatest ordeal on the witness stand. The slender girl was free to rest after a strain that had taxed her vitality to the utmost. Although she had suffered much in personal reputation, her original story was unshaken.

Dr. Evans, the alienist, was recalled for cross examination and remained on the stand two days. He was given a terrific cross fire of questions. Summed up Dr. Evans stated that he believed Thaw to have been suffering from adolescent insanity in 1903 and at the time of his marriage, again on April 4, 1905, and that when he killed Stanford White, June 25, 1906, he was the victim of an acute and recurrent attack of the same mental malady.

Important as was his testimony, it was quite lost sight of by the public in the keen interest surrounding Evelyn Thaw, and the spirit of anticipation with which the appearance of Harry Thaw's mother was awaited.

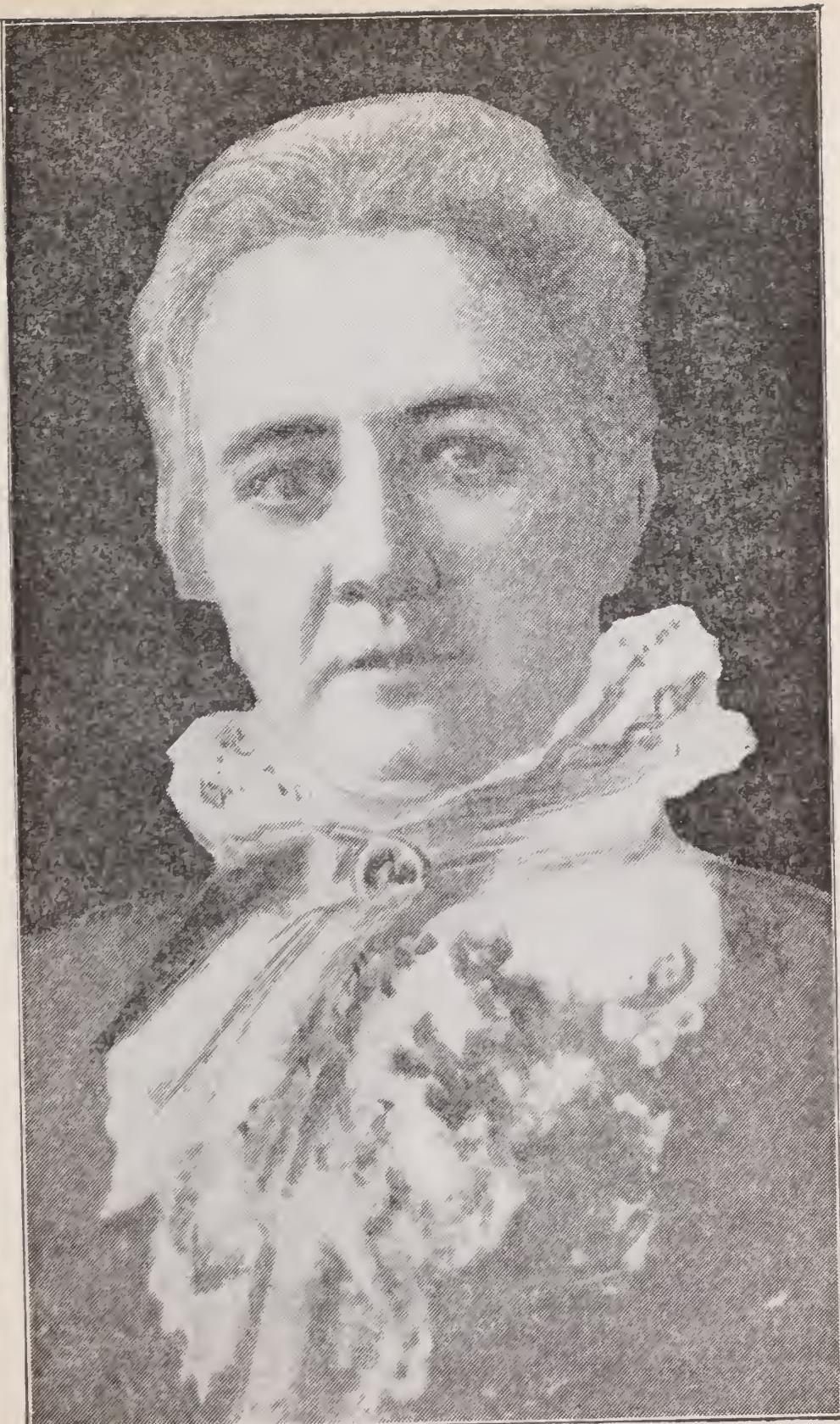
CHAPTER XIV.

Thaw's Mother on the Stand.

AGED WOMAN WITH ALL HER WEALTH AND SOCIAL POSITION, A PATHETIC FIGURE—BENT WITH GRIEF AND SHAKEN WITH SOBS—TELLS HOW SON WEPT VIOLENTLY AT NIGHT—FIRST HEARD EVELYN NESBIT'S NAME ON THANKSGIVING BEFORE MARRIAGE—HARRY CONFIDED TO MOTHER THAT GRIEF WAS DUE TO EVELYN'S FATE—CALLED HER VICTIM OF CIRCUMSTANCES—MOTHER APPROVED OF MARRIAGE ON CONDITION THAT MRS. HOLMAN SHOULD NEVER ENTER HER HOUSE AND THAT EVELYN'S PAST SHOULD NEVER BE REFERRED TO—DEFENSE ENDS ITS CASE.

Pathetic as was the trembling figure of Evelyn Nesbit Thaw on the witness stand it paled into insignificance as compared with the appearance of Mrs. William Thaw, the aged mother of the defendant, in the role of a witness, contributing her share of humiliation to the sacrifice for her son's life.

Bent with grief and shaken with sobs, the haughty widow of the millionaire steel king appeared clothed from head to foot in black. For the moment, pride of family and of wealth disappeared before the misery of the ordeal she had to undergo. Momentarily, she would show a flash of spirit, but it disappeared almost as quickly. Even the stern prosecutor softened



MRS. WILLIAM THAW
Harry Thaw's aged mother.

in manner before the sorrow of the aged woman. To attack her with the same ferocity as the wife of the accused would have spelled ruin for him. He read the handwriting on the wall and desisted.

Altogether Mrs. Thaw did not make as good a witness as did Evelyn with her wonderful composure and ready wit; but she impressed the jury and all hearers forcibly nevertheless. She herself seemed disappointed when her examination came to an end. Her disappointment centered about refusal of counsel to permit her to deny that her son Harry suffered a taint of insanity by heredity. She was placed on the stand immediately after Dr. Charles D. Wagner, an alienist, had testified Harry Thaw was incapable of viewing his action as wrong when he shot White.

Mr. Delmas conducted the direct examination of Mrs. Thaw, which follows:

"In what time of the fall of 1903 did your son, Harry K. Thaw, come to your home in Pittsburg?"

"In October. He came two days after my other son was married."

"During the time that Harry K. Thaw was at your home did you notice anything peculiar in his conduct denoting a change?"

"When he first entered the house his manner was such that it struck me at the time."

"Will you describe his appearance?"

"He seemed absent-minded and had a despairing look."

"Did this continue?"

"Yes."

"What followed?"

"This sort of thing happened several times at night. His room was next to mine and he sobbed violently during the night."

It was at this point that the grief-stricken mother first gave way to her overpowering emotion. Her face, which had been as gray as her hair when she entered the courtroom, flushed red and tears stole down her cheeks.

She wiped away the tears with a black-bordered handkerchief and continued her story in a hesitating manner. Her tones were so low that several of the jurors could not hear her.

"Had you proceeded to state that you had found your son as late as 3 or 4 in the morning awake and undressed?"

"No; I said he was dressed."

"And you had proceeded to state what he said?"

"He said that a man—probably the worst man in New York—had ruined his life."

"Had you made any inquiry of your son as to what that man had done?"

"He said the man had wrecked the life of a young girl."

"Did you learn more about that statement?"

"Yes. I could not learn who the girl was who was associated with this wicked man in New York."

"Did you learn her name from your son?"

"Yes."

"Will you tell us just what he said?"

"I learned more about it afterward."

"Was that all you learned up to Thanksgiving day?"

Mrs. Thaw began crying again and restrained herself only after a great effort.

Some of the jurors complained that they had not been able to hear the testimony. By direction of the court, the stenographer read aloud the testimony of Mrs. Thaw. Her testimony was as follows, eliminating questions:

"In November, 1903, a few days before my second son was married, Harry came there. It was the 18th of November. I noticed a change in his conduct when he first entered the house. I had the habit of going to the door, and when I saw him it struck me that he looked absent-minded, as if he had lost interest in everything. The impression grew on me.

"He appeared to be laboring with a problem. He went to the drawing room and I heard the piano playing violently at first and then the tone grew softer and softer. This happened after he would come back, and after a while he would go to the drawing room and resume playing in the same way, first wildly and then softer and softer.

"But the most marked feature was his wakefulness at night. His room was next to mine and I would

hear him sobbing. I would see a light under the door at three or four in the morning. I would go into his room and find him sitting up crying.

"I am not of a prying disposition, and I did not inquire into his trouble at once. He finally told me one night what the trouble was. He did not tell me definitely at first. He first said that it was something a wicked man in New York had done that had ruined his life. That was as much as I could get from him at first. He said the man was probably the worst in New York.

"On Thanksgiving I learned more. I did not ask the girl's name. I learned from him one night what the wicked man had done to the young girl. I did not want to inquire any further.

"I told him that sort of thing happened in New York constantly and I asked, Why should that ruin your life? But he insisted it had.

"I tried to influence him the other way, to show him that it was not his place to look after the young girls.

"He said the girl had the most beautiful mind of any woman he had ever met and that if she had been under the influence of a good mother she would have been the best woman that ever lived. I cannot recall the entire conversation, but that is the substance of it.

"I only know that on Thanksgiving Day that incident occurred. It was the first Thanksgiving Day

in our new church, and as it was very crowded Harry and I had to stand under the gallery. I was glad afterward that we had to, as we heard the beautiful music.

"I heard a sob and when we drove home I asked Harry, 'Why did you forget yourself in church?' and he said it suddenly came over him—this dreadful thing. 'If that dreadful thing had not happened,' he said, 'she could have been here with us.' "

The reading ceased and Mrs. Thaw was questioned further by Mr. Delmas.

"Did you have further conversations with him?"

"I think that was the substance of what he said and what I noticed."

"After this conversation on Thanksgiving day, did you notice anything about his wakefulness and disturbed condition?"

"Nearly every morning I saw him up early. The same condition prevailed."

"Do you know whether Dr. Bingaman was in attendance a few afternoons later?"

"Yes; I remember it was a gloomy afternoon. It was the Saturday after Thanksgiving, I believe. He did so so frequently that I do not recall any single occasion."

"While he (Dr. Bingaman) was in your home did his reference to this young girl become more frequent or less frequent?"

"I am not sure. If anything it was more frequent."

"When did you learn who this young girl was?"

"I cannot recall that. I have tried to. During the Spring of 1904, before he went abroad, I am inclined to think I learned that."

"At that time can you recall what your son said about the young girl?"

"I can not recall it."

District Attorney Jerome here appealed to the court to instruct the witness to answer yes or no to this question.

"You have stated that you think you learned who this young girl was before your son went to Europe in 1904. Now, my question is, what did he say?"

Mrs. Thaw's examination was interrupted at this time by a clash of counsel over the purpose of the questions. District Attorney Jerome insinuating that if it was to show Thaw mentally unbalanced he would ask for a lunacy commission. The clash did much to disconcert the witness. Finally her examination continued.

"What did your son say to you?"

"It was some time between Thanksgiving and when he went back to Europe that he told me who the young girl was. I cannot recall the conversation we had, but I think it was in March that he told me."

"What did your son tell you?"

"He said she had gone with her mother to New

York and she had met the wicked man who had ruined her. I cannot recall all the conversation, but know I learned her name.

"Have you now stated all the conversation you had with your son between the time he got home and the time he left for Europe?"

"Yes; I have told all."

"Your son then reappeared in your home in the Fall of 1904?"

"Yes."

"Did he speak to you then about his contemplated marriage to this young girl?"

"I remember expressing my disapproval about his coming over from the other side with her, but he said there was nothing wrong; that she had been the victim of circumstances."

"Will you state when he first manifested the intention of marrying that young girl?"

"In November, 1903, he told me he desired to marry her, but that he had been frustrated at every move he made."

"You went South in 1904?"

"In February. It may have been in 1905. I cannot remember dates."

"When you returned from the South you say your son was still intent on marrying this girl?"

"Yes; and I therefore came here to New York and saw her. This was about a month before the wedding."

"You came to see her? And did you talk with your son about the wedding?"

"Yes."

"Did you finally give your approval? Kindly state what conversation you had with your son on the subject after your return to the hotel?"

"He asked me whether I would be willing he should marry her and I said he could marry her at my home. I said he could take her home—that I liked the girl. I told Harry I had no one at home now and would take this girl to my home and her past would be closed. I told him I would never ask her about it nor permit it to be mentioned in my presence. I did, however, make one condition. I told him I would not have her mother in my house. So he made the arrangements and on April 2 came home to be married."

"Now, after you had given your approval, they were married at your home in Pittsburg?"

"Yes."

"How soon did the marriage take place?"

"Two days later."

"What seemed to be his condition just prior to the marriage?"

"He seemed to be in a better condition, but somewhat depressed. He seemed to fear that the mother of the girl would withhold her consent to the marriage. He said he feared that at the very last her mother would refuse her consent."

"What was the cause of this agitation on his wedding day?"

"He felt that her mother would still try to interfere. He was busy writing nearly all day."

"Did you know that a will and codicil was being executed that day?"

"Yes."

"At what time of the day?"

"At the early dinner."

"You say they left for the West that night?"

"Yes."

"How did he appear when he came back?"

"Their life was clear and placid. They were with me until October. I had an opportunity and carefully watched them."

Mr. Jerome then took the witness in hand for cross examination.

"Did your son learn to play the piano?"

"Yes."

"At some time subsequent to the death of your husband—or, rather, I'll put it this way—were you the executrix or trustee of your husband's estate?"

Delmas objected.

"I am trying to show that at a certain date the executors of the late Mr. Thaw's will increased the amount set aside for the defendant under the will," said Jerome.

The question was changed as follows:

"Did such an event take place?"

"Yes."

"At what date?"

"I cannot remember exactly."

"How did it come about?"

Delmas objected.

"I want to instruct the witness that the District Attorney can ask any question he wants," he said, "and that I can object to it if I want to, and I ask you, Mrs. Thaw, not to answer until I have had a chance to object."

"There was a time when your son, under his father's will, was to receive a certain amount of money unless the executors saw fit to increase it and there was a subsequent time when the amount was increased by the executors, when was that?"

"If you will state it was after June, 1903, I will not object," said Delmas.

"I will not allow the question unless you set the date subsequent to June, 1903," said Judge Fitzgerald."

Jerome again put the question and was again overruled.

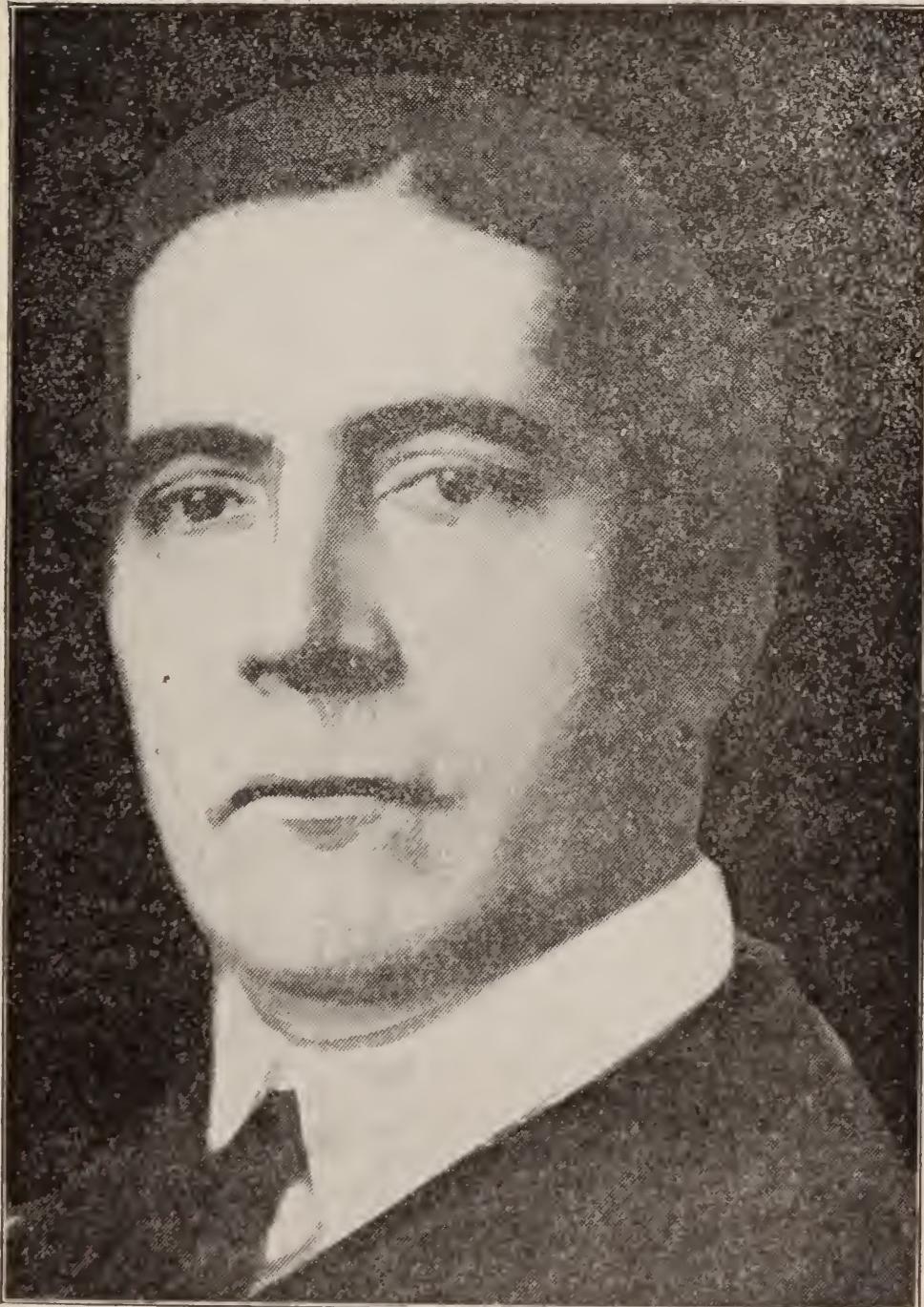
"After the death of the defendant's father was he in receipt of a certain income from the estate of his father?"

Delmas objected and was again sustained.

"After June, 1903, what was the income of the defendant?"

"It was from his own estate."

"What income did he receive before that?"



CLIFFORD W. HARTRIDGE
One of Thaw's lawyers.

Delmas objected and was sustained; Jerome was beaten at every point.

"When you spoke to him of his proposal of marriage, did he say he wanted to shield the young girl from a wrong?"

"Yes."

"Did he relate to you the occurrences in Europe? Did he tell you of his desire to make Evelyn Nesbit his wife?"

"He did."

"Did he express fear that he might not be married at that time?"

"He said she had told him that it would make an unsuitable match and that while he was very anxious to make the girl his wife she was not so anxious because of this wrong."

"When they arrived from Europe did he come to your home in Pittsburg?"

"Not directly, but during that month."

"So that up to the time of the marriage you had received no information of his former relations with Evelyn Nesbit?"

"No."

"I am through," said Jerome.

After the aged woman's testimony had been concluded, Attorney Delmas suddenly threw a bomb into the ranks of the prosecution by announcing in a low voice the three words:

"The defense rests!"



PAULA DESMOND
Actress figuring in the case.

CHAPTER XV.

Scathing Denunciation By Jerome.

DISTRICT ATTORNEY MAKES ATTACK ON LIFE OF HARRY THAW—ATTRIBUTES WILD ORGIES TO THE DEFENDENT—THE ETHEL THOMAS TRAGEDY—ATTEMPT MADE TO PROVE EVELYN THAW A PFRJURER—NEW LIGHT ON THE CASE—ABE HUMMEL ON THE STAND—JEROME TRIES TO PROVE EVELYN HAD SWORN THAT WHITE NEVER WRONGED HER—CHARGES PLOT BY THAW TO PUT ARCHITECT IN PENITENTIARY—FAMOUS ALIENISTS SWEAR THAW WAS SANE AT THE TIME OF THE TRAGEDY—EVELYN ON THE STAND AGAIN.

With the testimony of Thaw's aged mother fresh in their minds the jurors heard District Attorney Jerome make a sensational attack on the past life of Harry Thaw. Jerome insinuated that Thaw had in his wild youthful days, indulged in wild orgies no less iniquitous than those of which Stanford White had been accused, although differing in character.

Attorney Frederick Longfellow, Thaw's personal counsel, was a witness from whom Jerome fought to draw this information.

Longfellow was an unwilling witness and every answer had to be dragged from him, Delmas interposing objections to the procedure throughout the examination.

"Did you represent this prisoner in the suit of Ethel Thomas against Harry K. Thaw?" demanded Jerome.

"My firm did," Longfellow was allowed to answer.

"It has been said that alleged acts of perversion by White added to the fury of Thaw's mental unbalance," Jerome stated. "I want to show that he knew all about such things—that they were set forth in the complaint in this suit by Ethel Thomas, the papers of which were served on him."

"I am not trying to show that Ethel's statements were true. Anyway, this poor girl now is dead—

A hot fight came here, and Jerome was forced to withdraw the words "poor girl," while the jury was cautioned to ignore what Jerome had said.

"Mrs. Thaw herself," Jerome fairly shouted, "says she was told the story of Ethel Thomas!"

Longfellow was not allowed to testify to anything about the charges contained in the Thomas girl's suit against Thaw.

Jerome was burning with wrath. His expected victory had been turned to bitter defeat.

The next witness was Policeman Dennis Wright, who was called to testify as to conversations he had with Thaw the night of Thaw's arrest. The witness said:

"When I was in Madison avenue I saw Thaw. I

asked him what the trouble was. He said he wanted me to take him away from the crowd, to take him to the station-house."

"Was there any more?"

"Yes. When we were in Fifth avenue some person unknown asked me if I knew the prisoner or what he had done. I said I did not. I asked the defendant if he knew what he had done and he said 'Yes.' I asked him if he knew who it was he had killed. He said he would say nothing until he reached the station-house. He asked me for a light, offered me a cigar, and then wanted to take a cab to the station, but I would not agree."

"Were his actions rational or irrational?"

"Rational."

Four other policemen testified Thaw appeared rational after the murder.

Jerome here made an attempt to prove Evelyn Thaw a liar. He was defeated, however, for his star witness, Rudolph Eckmyer, a photographer, was not allowed to tell the date he made the famous Madison Square Garden photographs of Evelyn.

"If you will let me fix the date of these pictures," he said heatedly, "I will show that on the night following the day they were taken, when Mrs. Thaw's experience at White's studio took place, Stanford White was not in the Twenty-fourth street house at all."

Jerome fairly shouted the last words and pounded the table before him. Mr. Delmas said he must stand upon his objection, and it was sustained.

"I now offer," repeated Jerome, "to prove by this witness the exact date on which these pictures were taken, which was, Mrs. Thaw testified, the day before she was drugged by Stanford White. And I further offer to prove that on that occasion Stanford White was not where she said he was."

James Clinch Smith, Stanford White's brother-in-law, who was in Europe when the trial began, was allowed to testify for the defense. Smith's story threw much new light on the tragedy. It showed that Thaw several times passed through the aisles on the Madison Square Roof-garden, apparently seeking some one, and always his eyes were turned on the spot where Stanford White sat.

He sat down and talked to Smith on a variety of subjects—Wall street speculation, the play, a trip to Europe, common acquaintances, and many other topics.

This story, Jerome sought to show, proved that Thaw was sane the night of the murder, and that he repeatedly sought for his victim on the roof-garden, instead of killing him because of a sudden impulse.

"Thaw sat down beside me," said the relative of White, "and offered me a cigar. I said, 'No, thank you.' He said, 'How's that, don't you smoke at all?'

I said I occasionally smoked cigarettes. He then took out his cigaret case, offered me one, and I took it and thanked him. He struck a match and lit my cigaret, and his cigar. He asked me how I liked the play, and I said I did not care for it much. I thought it slow and not the sort of play for a roof-garden.

"He said, 'It is different from those you usually see on the roof-garden. It is a relief to see it, and I think it will be a success.' I said I doubted it.

"A few moments later he said, 'What are you doing in Wall street now—any speculating?' I answered that I did not speculate in Wall street. He said he thought there was a great chance in copper; he mentioned Amalgamated and one other.

"And he also said Steel was good; he could not see why steel stocks were kept down; the company was doing a bigger business than ever. He said if he had any money he would put it in steel and copper, particularly copper."

"Then suddenly he said: 'Where are you going this summer?' I told him that I was going to Europe on Thursday. He wanted to know what ship I was going on, and when I told him he said he did not like the ship.

"He said he was going on the Amerika because he could get on that ship a large suite of rooms, where he could have his meals served in his apartments.

"Then he said: 'Are you alone over here?' I told him that I had left my wife in Paris.

"When Thaw left me he walked around several times, looking over the audience, toward the place where he subsequently shot White. Finally his friends arrived, and then I heard three pistol shots and saw a cloud of black smoke. I saw Thaw after the shooting, aiming his pistol toward the floor.

"I went to the entrance, keeping my eyes on Thaw all the while. Then I saw a man lying face downward on the floor. The man's face was so blackened with powder I did not recognize my brother-in-law and left the place without knowing who the man was."

Smith on cross-examination asserted Thaw was not intoxicated on the night of the murder.

Jerome next asked Abe Hummel this question :

"Did you on October 27, 1903, see Evelyn Nesbit Thaw in your office?"

"I did," replied the lawyer.

"At that conversation did Mrs. Thaw inform you that Thaw wanted to injure White and put him in the penitentiary and that Thaw had compelled her time and time again to sign statements about White and that those documents charged White with having drugged Evelyn Nesbit when she was about fifteen years old and that she, Evelyn Nesbit, had told you that Thaw had beaten her for not signing the papers?"

Hummel was not allowed to answer then, on objections by Delmas, but the witness said he was acting for Stanford White at the time of the conference.

The district attorney made an impassioned argument to secure the admission of Hummel's testimony. He said :

"Your Honor has ruled and rules, as I believe, with entire correctness, that as to the truth or falsity as to whether Stanford White did do these acts, we on this trial have nothing to do, the issue being, did the defendant's mind become unhinged by these and other things that have been proven in evidence? Was an insanity induced by this revelation and the others that appear in evidence which so swept reason from its moorings that when he killed Stanford White that night he did not know the nature and the quality of the act and that it was wrong?

"Your Honor's rulings have reduced the case to that, and have properly reduced it, in my estimation, to that point.

"Now on that question of whether or not his mind was unhinged by these revelations, whether or no these revelations ever were made to him is surely most important. It is not collateral. It goes to the very root of the case.

"They claim that as Thaw sat in the hotel in Paris that night and asked her to marry him and she said she would not because of White, and she then cryingly told how this man had drugged her when but a girl of fifteen—they contend that this picture unhinged his mind. Your Honor has ruled we have nothing to

do with the truth or falsity of her story. We have nothing to do with whether Stanford White did or did not do these things. The issue here is did or did not this defendant's mind become unhinged when he heard Evelyn Nesbit's story.

"If this jury believes that she told this awful story would it not be a fact that they would carry it in their minds and would it not weigh heavily?

"If on the other hand I can show that Mrs. Thaw did not tell Thaw in Paris that White drugged her it will be a matter for the jury to consider seriously in determining whether or not Thaw was insane when he killed Stanford White.

"If I can show that Evelyn Nesbit Thaw under the solemnity of an oath swore that White had never wronged her; if I can show that she repelled the advances of the man and that Thaw whipped and beat her because she would not affix her signature to an affidavit charging White wronged her; if I can show that she said to Hummel: 'He beat me when we were in Paris; he lashed me with a whip because I would not sign papers;' if I can show she swore 'Stanford White never touched me'; if I can show that Thaw wanted her to sign papers in order to put White in the penitentiary—I can then show that the evidence in question is of vital importance.

"If I can show that she has made contradictory statements, the testimony of Doctors Evans and Wag-

ner, which was based on her statement contained in the hypothetical question, can be stricken from the records.

"There is the crux of the case as it appears in the evidence, and the question becomes one of what the law says on this subject of introducing contrary statements of a witness.

"I was sincere when I said that I knew nothing in history or literature could compare with the heroic sacrifice made by Evelyn Nesbit when she refused to accept the proffered hand of Thaw in Paris—if the story told by Evelyn is true!"

The court made no decision on the question at issue, and examination of Hummel was resumed.

"At the interview in your office," asked Mr. Jerome, "did Evelyn Nesbit, prior to your dictating anything, tell you that she had told Thaw that it was not true that Stanford White had drugged her?"

Mr. Delmas was on his feet to object, but before he could do so and immediately after the district attorney had ceased to speak, Hummel said, in a loud voice: "She certainly did."

Mr. Delmas looked at the witness, and, with scorn in his voice, said: "And you call yourself a lawyer!" Then, after a bitter clash with the district attorney, in which temper was shown on both sides, Jerome being denounced, Delmas said, "Let the answer stand, I waive my right."

Jerome turned to Hummel again and asked:

"Did Evelyn Nesbit, as she was then known, say to you that Thaw had prepared documents charging Stanford White with having drugged her when she was 15, and insisted upon her signing them, but that she told Thaw she would not, because the statement was not true?"

The court ruled this question could not be answered until Evelyn Nesbit Thaw had been recalled and testified as to whether or not Hummel was acting as her attorney or as White's.

The next testimony was by Dr. Austin Flint, famous alienist for the prosecution. In response to a question which required an hour and a quarter to read, Dr. Flint said Thaw was sane when he killed White. The question was practically a review of the tragedy and trial.

The other \$250-a-day alienists for the state—Drs. William B. Pritchard of the New York Polyclinic Institute, Albert Warren Ferris of the College of Physicians and Surgeons, A. R. Dieffendorf of the State Hospital of Middletown, Conn., and a professor of mental diseases at Yale University, Dr. William E. Mabon, superintendent of the New York state hospital for the insane on Wards Island, and Dr. William Hirsch of the Cornell Medical College made the same reply to the same question. All swore Thaw was perfectly rational and knew what he was doing when he shot White.

Jerome had hurled his strongest attack against the defense in this desperate effort to prove Thaw sane at the time of the killing. While he was smiling in triumph Delmas said:

“Call Evelyn Nesbit Thaw.”

Pale and apparently almost a nervous wreck the beautiful child wife took the stand.

“Did you,” asked Delmas, “when you visited Abe Hummel in his office call upon him then and there, in a professional capacity with a view to having his legal advice as a counsellor-at-law?”

“I did,” was the answer.

Mrs. Thaw then left the stand.

Justice Fitzgerald then ruled that the defense could not now plead the professional privilege in bar of Hummel’s testimony for the privilege was involuntarily waived when young Mrs. Thaw herself took the stand and told of the occurrences in Hummel’s office.

This was a hard blow to the defense and the Napoleonic Delmas was enshrouded in temporary defeat.

CHAPTER XVI.

Shocking Disclosures in Famous Affidavit.

DOCUMENT DECLARED TO HAVE BEEN SIGNED BY EVELYN THAW INTRODUCED IN EVIDENCE—CHARGES THAW CHOKED HER, AND BEAT HER WITH A RAWHIDE WHIP—ANOTHER ATTACK THE NEXT DAY—FAINTED IN AGONY—BEATEN AND CHOKED AGAIN AND AGAIN—DEFENDANT DECLARED TO HAVE TAKEN EVELYN'S DIAMONDS AND MONEY—THREATENED WITH BODILY INJURY UNLESS SHE WOULD ACCUSE WHITE, IS CHARGE—AFFIDAVIT ASSERTS WHITE DID NOT WRONG HER.

Startling charges that Harry Kendall Thaw administered unmerciful lashings to Evelyn Nesbit, and tortured her because she would not accuse Stanford White, were made in the famous affidavit prepared by Abe Hummel and allowed by Justice Fitzgerald to be introduced in evidence, after Hummel had sworn the prisoner's sweetheart—whom he later married—had signed and sworn to the document.

Threats of death were added to the pitiless whippings and torture, some of which made the girl—then traveling in Europe as Thaw's wife—faint in agony, and on one occasion confined her to bed for three weeks, so read the affidavit. In this document Evelyn declared White did not injure her. With blanched

face—shuddering—Thaw listened to the reading of the document. He had never heard it before. The full text of this affidavit, classed by many lawyers as “the most remarkable exhibit ever introduced in a New York law court,” was as follows:

“Evelyn Nesbit vs. Harry Kendall Thaw.

“Supreme Court, city and county of New York:

“Evelyn Nesbit, being duly sworn, says:

“I reside at the Savoy hotel, Fifth avenue and Fifty-ninth street, city of New York. I am 18 years of age, having been born Christmas day, 1884. For several months prior to June, 1903, I had been at Dr. Bull’s hospital at 33 West Thirty-third street, New York city, where I had had an operation performed on me for appendicitis during the month of June, and then went to Europe with my mother, at the request of Harry Kendall Thaw, the defendant above named.

“My mother and I had apartments at the Hotel Maintenon in Paris, France, and from there traveled to Boulogne, during which time we were accompanied by Mr. Thaw. Mr. Thaw left us once for London, England. Mother and I remained at the Imperial hotel about three weeks.

“While the said Thaw was in London he wrote me a number of letters. He then returned to Boulogne and took my mother and myself and we went back to Paris, where we stayed at the Langham hotel. We left there about two weeks after and the said Thaw, my

mother and I returned to London, where we located at Claridge's hotel; that is, my mother and I lived in that place, while Mr. Thaw stayed in Claridge's hotel for some little time and then removed to the Russell Square hotel, in Russell square, London.

"I went with Mr. Thaw to Amsterdam, Holland, by way of Folkestone. I was ill during this entire period. Mr. Thaw and I traveled throughout Holland, stopping at various places to make connecting trains and then went to Munich, Germany.

"We then traveled through the Bavarian highlands, going to the Austrain Tyrol. During all this time said Thaw and myself were known as husband and wife and were represented by the said Thaw and known under the name of Mr. and Mrs. Dellis.

"After traveling for about five or six weeks, the said Thaw rented a castle in the Austrian Tyrol known as the Schloss Katzenstein, which is situated about half way up a very isolated mountain. This castle must have been built centuries ago, as the rooms and windows were all old-fashioned. When we reached the place there were a number of servants in the castle. I saw a butler, a cook, and a maid. They were the only servants there.

"We occupied one entire end of the castle, two bedrooms, the parlor, and a drawing room. I was assigned to a bedroom for my personal use.

"The first night we reached the Schloss Katzenstein

I was very tired and went to bed right after dinner. In the morning I was awakened by Mr. Thaw knocking on the door asking me to come to breakfast, saying that the coffee was getting cold. I immediately jumped out of bed and hastily dressed. I walked out of my room and sat down to breakfast with said Thaw.

"After breakfast, he said he wished to tell me something and asked me to step into my bedroom. I entered the bedroom, when Thaw without any provocation grasped me by the throat.

"I saw by his face that he was in a dreadfully excited condition. His eyes were glaring and his hands grasped a raw-hide whip.

"He seized hold of me, placed his fingers in my mouth and tried to choke me. He then without the slightest provocation inflicted on me several severe blows with the rawhide whip, so severely that my skin was cut and bruised.

"I begged him to desist, but he refused.

"I shouted and I cried.

"He stopped then for a minute to rest, and then renewed his attack on me, beating me with the raw-hide whip.

"I screamed for help, but no one heard me; the servants did not hear me for the reason that they were in the other end of the castle.

"Thereupon the said Thaw renewed his brutal attacks until I was unable to move,

"The following morning the said Thaw administered another castigation similar to the day before. He took the rawhide whip and belabored me unmercifully.

"I swooned and I did not know how long I remained in that condition until I regained consciousness.

"He left me in a frightful condition. My fingers were numb, and it was nearly three weeks before I sufficiently recovered to get out of my bed and walk.

"When I had sufficiently recovered the said Thaw took me to a place in ——, where Italy and Austria join and then we went to Switzerland, and stopped at a place called the Switzer house at Santa Maria.

"The next morning I made some remark and said Thaw took me to my room, and while in the room took a rattan and beat me until I screamed; when I began to scream said Thaw again stuck his fingers into my mouth.

"During all that time the said Thaw never attempted to make the slightest excuse for his conduct or state what the provocation was.

"During all the time my mother and I remained in England we occupied apartments at 5 Avenue ——. I was constantly watched by detectives and other hirelings of said Thaw, including the coachman and the valet.

"When in Paris he assaulted me with a rattan for

half a day, at intervals of half an hour or so, striking me severely.

"One day my maid was in my room taking things out of the drawers and I found a little silver box, oblong in shape, about two and a half inches in length, containing a hypodermic syringe, and some other small utensils. I asked Thaw what that was for, and he stated to me that he had been ill, and had to make some excuse. He said he had been compelled to take cocaine. The first time I found he was addicted to the taking of cocaine I saw the said Thaw administer the cocaine to himself internally by taking small pills.

"On one occasion Thaw attempted to compel me to take one of these pills, but I refused to do so.

"While in Paris I suffered from sickness by reason of the beatings he had administered to me and that he had given me, and was confined to my bed in my room about two weeks.

"While we were in Paris the said Thaw compelled me by threatening to beat me to write a letter to a Miss Simonton, who was staying at the Algonquin hotel in the city of New York and knew my mother, asking her to come to Paris. When she got there he told her a lot of falsehoods and lies about me, telling me previously that if I did not indorse what he said he would kill me.

"While we were at the Schloss Katzenstein the said Thaw took from me without my consent and still re-

tains in his possession two diamond rings, one sapphire ring with a diamond on each side, one pearl locket, one gold purse and \$400 in money consisting of drafts from Thomas Cook & Sons. He had also in his possession in the city of Paris wearing apparel of mine, consisting of five gowns, a number of hats, and three parasols.

"I had not seen my mother since I left her in London, and I am informed within the last few weeks that she returned to the city of New York from London on the steamer Campania.

"I arrived in this city Saturday, Oct. 24, 1903, having returned from Paris by way of Cherbourg.

"Before I left Europe the said Thaw had stated to me that his lawyer, a Mr. Longfellow, would meet me at the dock and asked me if I needed anything. He said he would see that all my requirements received attention. I had a letter from him to the said Longfellow in which the said Thaw asked the said Longfellow to have me followed by detectives and also to see that everything I wanted was done and to see that I was not troubled by anybody.

"I had received a number of cablegrams from Thaw which I have delivered to my counsel, Abraham H. Hummel.

"I have been repeatedly told by the said Thaw that he is very inimical to a married man whom he said he wanted me to injure and that Thaw would get him

into the penitentiary; that the said Thaw had begged me time and time again to swear to written documents which he had prepared, involving this married man and charging him with drugging me when I was 15 years of age. This was not so; and I so told him.

"But because I refused to sign these papers said Thaw not alone threatened me with bodily injury, but inflicted on me the great bodily injury I have herein described.

"Subscribed to before me this 27th day of October, 1903.

"Sworn to before me this 27th day of October, 1903." (Signature of notary.)

"The state rests," announced District Attorney Jerome after reading the affidavit, and Attorney Delmas then attacked Hummel. He read the record of Hummel's conviction in the Dodge-Morse divorce scandal, in which the lawyer was accused—just as Evelyn Thaw had accused him—of preparing a false affidavit and false testimony. When Hummel was on the witness stand he denied that in drawing the affidavit he was acting as counsel for Evelyn Nesbit; the document itself proved that he was. The papers were to have been filed, it was stated, in a suit for damages against Thaw.

More sensations were ahead.

CHAPTER XVII.

Jerome Calls Thaw Madman.

PHYSICIANS ASSERT YOUNG MILLIONAIRE TO BE DEMENTED—ANGRY PROTEST BY DELMAS—SENSATIONAL ARGUMENT BY DISTRICT ATTORNEY—BAD FAITH CHARGED TO COUNSEL—LUNACY COMMISSION IS DEMANDED—THAW'S LETTERS USED TO QUESTION HIS SANITY—COURT TAKES QUESTION UNDER ADVISEMENT.

After the reading of the shocking affidavit, District Attorney Jerome swore five of the alienists for the defense, at one time. He sought, through asking them the same hypothetical question put by the defense, to prove that Thaw was insane both at the time of the murder and at the time of the trial.

“I do not believe Harry Thaw was sane at the time he shot Stanford White, nor do I believe he is sane now,” declared Dr. Graeme M. Hammond. “I do not know whether he will ever recover.”

Dr. Smith Ely Jelliffe, professor at Columbia Medical School, swore he was convinced Thaw was crazed at the time of the murder, but that he “had a sort of insane knowledge” of what he was doing.

Dr. Charles W. Pilgrim asserted Thaw “Did not know the nature or the quality of his act on the Madison Square Roof-garden.” Dr. Minas Gregory

also swore the prisoner was insane at the time of the crime, and others made the same statement.

This was a startling change of base for the prosecution. Instead of trying to prove the young millionaire was sane both at the time of the tragedy and at the time of the trial, Jerome astounded the legal world by endeavoring to prove him hopelessly insane. The prosecutor had given up all hope of securing a verdict which would make the death-chair the penalty.

Delmas was angry.

"We propose," he shouted, "honestly to convince you, Mr. Jerome, that Thaw was insane when he shot Stanford White—and sane now—by the very witnesses whom you have subpœnaed and brought into court for the obvious and only conceivable purpose of telling to this jury under oath the truth and the whole truth."

The jury was ordered to leave during arguments over further testimony of alienists.

In his startling argument after the jury retired Mr. Jerome said:

"I want to explain and make my position clear. As I understand the matter Dr. Hamilton, who was originally called into the case by the defense, is ready to testify that in his opinion this defendant was insane, that he was of unsound mind when he committed the homicide, and that as he sits at the table

today he is suffering from a mental disease known as paranoia, a disease in which the sufferer until the last stages of the disease is capable of knowing the nature and quality of his acts.

"I understand that Dr. Hamilton so advised the defendant's counsel and that his counsel was then changed.

"I am willing to throw open the door wide, and ask to let all these facts come out, but I will not agree to Mr. Delmas confining his questions to these four visits and keep me down to the close limits of evidence and not be allowed to go into the real facts of the case.

"Your honor knows," continued District Attorney Jerome, "what my position here has been all along. We have no right to be here trying this man if the real facts are known. Your honor knows that I have tried ever since this case opened to bring out these facts and that I have not been able to do so.

"If the real facts as to the mental condition of this defendant can be brought out the court would be shocked and horrified and would stop this trial instanter. So deeply have I been impressed with all this that I have served notice on the attorney of record that when this case is over, if I am convinced they possess the facts that I believe they possess, I will lay the matter before the Appellate division of the Supreme court.

"There is not a man who has seen this defendant sitting there at the table who believes he is capable of advising counsel. We are today trying a man who is insane, while under the law he is sane. He is a paranoiac, and while he is insane he is not insane in the eyes of the law, for strictly speaking he knows the nature and quality of his acts.

"A man named Taylor went to death under exactly similar circumstances. The Appellate court said that he was insane, but he was a paranoiac, and while his act was committed as the result of a delusion, this delusion was not such as would have made his act justifiable had it been true. It was one of the most gruesome acts the law has ever done.

"In five minutes time," cried the prosecutor, banging his fist on the lawyers' table, "I can show that this man is incapable of advising his counsel as he sits here in court. I will present facts which will prevent this trial from going further!"

"In view of the statement made by the district attorney," said Justice Fitzgerald, "I now ask that I be given all the information in the possession of either counsel—all the evidence as to the defendant's present state of mind which can be presented to the court. I do this before instituting the proceedings I understand have been asked for."

Mr. Delmas wanted to know if a commission in lunacy was under discussion.

"The court," replied Justice Fitzgerald, "is asked to hear testimony while the jury is out of the room, and then to determine its course."

"All of my own experts, Dr. Bingaman, the family physician, and Dr. Deemar, the physician to the Copley family, have informed me," said District Attorney Jerome, "that this man is suffering from paranoia. This paranoia is characterized by systematized delusions. While suffering from one of these insane delusions this man shot and killed Stanford White."

"Did your own experts tell you that?" inquired Justice Fitzgerald of District Attorney Jerome.

"They certainly did," replied Mr. Jerome, "but from the record of the case I was prevented from bringing this out. I was bound down to a hypothetical question, and my witnesses testified only as to the hypothetical question. There is heredity in this man which he cannot avoid."

Mr. Delmas again arose and inquired if a commission in lunacy had been applied for.

"I so understand it," said Justice Fitzgerald, "if the court shall so decide."

"We are prepared to combat that application," said Mr. Delmas.

"I have made no formal application," explained Mr. Jerome. "I submit to your honor the fact as he sits there the defendant is incapable of directing his defense. I leave the matter entirely to the court."

Mr. Delmas declared Mr. Jerome's charges were entirely unsupported.

"The district attorney's remarks were made under his oath of office," said Justice Fitzgerald, with some display of feeling.

"He has appealed to my conscience, and I now demand the production of all the evidence which any of counsel may possess."

Mr. Delmas said he understood Mr. Jerome to imply unprofessional conduct on the part of the defense in suppressing testimony.

"There was an implication of misconduct," said Justice Fitzgerald.

"I hear of it today for the first time," said Mr. Delmas.

Mr. Gleason here asked to be heard in behalf of the defense.

"I desire to say," said Mr. Gleason, "that when this case began I attempted to introduce evidence on the very point which the district attorney now demands, but it was ruled out on his own objections."

"I remember," said Justice Fitzgerald, "ruling out such testimony on the ground that it was in relation to collateral lines."

"We have made a perfect defense here," asserted Attorney Gleason, "and it is the duty of this court to submit that defense to the jury--"

"This court does not need any instructions as to

its duty," interrupted Justice Fitzgerald. "That is a matter the court can attend to for itself. All I want is all of the information I can get on this subject. The court wants this information, but if I can not get it, I will have to act as I see fit."

For a moment all the lawyers were talking excitedly at once, and Justice Fitzgerald was forced to rap sharply with his gavel. Finally Mr. Jerome made himself heard.

"The court has asked for all the facts I have in my possession, and I will willingly furnish them. I will give them in the form of an affidavit. I will also furnish the affidavit of Dr. Mabon and Dr. MacDonald, and if his professional privilege is waived I will have an affidavit from Dr. Hamilton."

"The learned district attorney has just said that this defendant is at this moment so insane as not to be able to instruct his counsel," broke in Mr. Gleason in an angry tone, "and now he asks that this man whom he has dubbed insane waive a privilege."

"His attorneys can waive it for him," said Mr. Jerome.

"The district attorney knows that that cannot be done," was the reply.

"We will get the other affidavits first," said Justice Fitzgerald, "and then we will discuss that matter."

Several other clashes took place, and ended in a

formal demand by District Attorney Jerome that a commission in lunacy be appointed to pass on the mental condition of Harry Thaw, that the young prisoner might be sent to a mad-house at once if found insane. Justice Fitzgerald asked time to consider the question, and demanded from both sides the names of all the alienists involved in the case, to guide him in selecting a commission.

Jerome was happy. He made this statement:

"The situation is just what I have been looking for all during the trial. A man who should be incarcerated in an insane asylum should not be on trial for his life."

The justice held a special session of court, with the jury absent, for the purpose of receiving affidavits from alienists for both sides, to aid him in determining whether or not a commission in lunacy should be appointed. Mr. Jerome called the court's special attention to the following statements by Dr. Carlos MacDonald:

"After careful examination of the exhibits and the hypothetical question and the testimony and affidavits of Mr. Cobb and assuming evidence stated in the case to be true, my personal observation, in court during the trial and also including certain observations that I made of the defendant in the library of the district attorney's office on the 27th day of June, 1906, I am of the opinion that the

defendant is now and for some time past has been suffering from a form of mental disease commonly known among men skilled in mental diseases as paranoia. Yet it is my opinion, based upon what has just been enumerated, that when the defendant killed Stanford White on the 25th day of June, 1906, he was then suffering from said mental disease commonly known as paranoia, but that his then mental state was such that he knew the nature and quality of the act that he was doing . . . and that he then and there knew such act on his part was against the current morality of the people of this state and in violation of law.

“I am of the opinion, upon the facts above enumerated, that the mental disease commonly known as paranoia, from which the defendant was suffering on the night of June 25, 1906, is a form of mental disease from which it is reasonably certain he will not recover, and that the discharge of the said Harry K. Thaw would be dangerous to public peace and safety, and that he should be committed to an institution for the insane.”

In arguing to secure the investigation of Thaw’s mental state, Mr. Jerome said:

“As long as forty days ago, Dr. Austin Flint, one of the state’s alienists, came to me in my office and told me that after watching Thaw in court every day of the trial he was solemnly of the opinion that the defendant was not capable of instructing his counsel.

I was much concerned, and with my assistant and Drs. MacDonald and Mabon held a long conference. I then called in other alienists, and after submitting to them all the evidence I had in my possession they joined with the others in declaring Thaw a paranoiac.

"I am convinced Harry Thaw should be tried for his life."

To strengthen his argument, the prosecutor gave Justice Fitzgerald several letters written by Thaw to J. Dennison Lyon, his Pittsburg banker. Some were written before the tragedy and some while Thaw was in the Tombs, but all, Jerome asserted, went to show Thaw was insane. One of these letters, written from the Republican Club, was as follows:

"Dear Denny—I'm sorry that the manager of Miss N's (Evelyn Nesbit) hotel is an idiot. She stopped one night at a place called the Cumberland, but was disturbed by street noises. No one was moved, and all meals were served. Now she has a better place, with a nice woman—Mrs. Kane (Caine), a friend of her family.

"I never saw this Sweat, nor spoke nor wrote to him. You know of her misfortunes.

"Mr. Holman married her mother three years too late. He is trying to keep her quiet, and must do so. Should the facts come out, no one but would believe she sold the child to the most notorious dastard in New York. Everything proves it.

"I, and a few other persons, know she did not

mean wrong, but since infancy she was jealous of and disliked the child, and was gulled to an unbelievable extent by this blackguard and ——”

Some rambling letters about transactions in stocks followed this, and then came these letters:

“Dear Denny—I’m sorry to trouble you, but I don’t understand. I was overdrawn \$10,063.36. Paid in \$8,982.70. (6370). (?) Did you make a note for \$10,000—leaving my balance near \$9,000 or make a note for \$1,130.85, leaving no balance?

“I lost almost nothing at M. C. playing. Just \$1,400 for four weeks—a good deal less than the percentage. I bought some pearls and a strong automobile.”

This letter was written after the trial started:

“Dear Denny—The package arrived safely, but I can’t send them the slip for 11 (eleven) days, as we thought it best to leave bundle sealed in Gleason’s desk until he returns. He worked exceedingly hard circumventing the crooked deal between Jerome’s first assistant and that judge—and will combine rest with affairs. Friday he starts for Mexico with —. If needed a telegram will always catch him, then he could be back in two days—if we see a chance for an early trial before any other judge—but we believe it will be first week January.

“All very well. Yours very sinc’ly,

“H. K. THAW.

"P. S.—I hope these blackmailers try you again."

The following peculiar letter no one in court could understand :

"Dear Denny—or Frank: Please try to remember who was ——. It is said a relative of his is on my jury. If he is friendly or neutral only write me a brief answer, but if he had any trouble with you or I or is unfriendly please telegraph, 'The iron is,' eh? I will know what you mean. I hope he is all right, we can leave jury as it is. Of course, this is very secret.

"All well. Y in haste. H. K. THAW."

The defense presented evidence equally strong, and Justice Fitzgerald plainly was in a quandary.

CHAPTER XVIII.

Lunacy Commission is Appointed.

EVELYN THAW CARRIES TRYING INFORMATION TO HER HUSBAND—ACCUSED ISSUES STATEMENT—PERSONNEL OF THE COMMISSION—JEROME BALKS—REMARKABLE INQUIRY IS RUSHED—THAW SUBMITS TO EXAMINATION—HOW THE YOUNG DEFENDANT PASSED EASTER.

To the surprise of every one connected with the case, Justice Fitzgerald on March 26, suddenly called District Attorney Jerome and the lawyers for the defense into a conference and announced his decision to appoint a commission to pass upon the sanity or insanity of Harry Thaw.

Upon the verdict of the three disinterested men whom he selected was to depend whether Thaw would ever face the jury again, or go directly to the Matteawan asylum.

The decision was embodied in a written memorandum, prepared for the minutes of the court. The court based his decision on the conflict of affidavits as presented by the opposing sides, saying they were too diametrically at odds to permit of a decision other than in favor of an impartial inquiry. After citing the suggestion made in court by District Attorney Jerome and the various affidavits presented on both sides, Justice Fitzgerald's memorandum reads:

"I do, therefore, in pursuance of the statute in such cases made and provided, hereby appoint Morgan J. O'Brien, Peter B. Olney and Leopold Putzel, M. D., three disinterested persons, a commission forthwith to examine into the mental condition of said Harry K. Thaw, and to report to the court with all convenient speed the facts and their opinion as to whether at the time of such examination the said Harry K. Thaw was in such a state of idiocy, imbecility, lunacy, or insanity so as to be incapable of rightly understanding his own condition, the nature of the charges against him, and of conducting his defense in a rational manner."

The task of announcing the decision of the court to Thaw was allotted to his wife, who tearfully accepted it. Messrs. Hartridge and O'Reilly went with Mrs. Evelyn Thaw to the Tombs and there in the hospital ward they met the prisoner. This ward had been placed at their disposal because of the crowd in the usual consultation room. Thaw was cheerful.

"It is all right, dearie," he said to his wife, "I am not afraid of a commission. I am a sane man now; just as sane as the judge himself, and I am sure that any fair-minded commission will so declare me."

The attorneys quickly withdrew from the conference and Thaw and his wife sat for a long time together discussing what the commission probably

would do. When Mr. Hartridge came out he declared :

"The fortitude of the boy [meaning Thaw] astonishes me sometimes, and it certainly did today."

Later in the afternoon Thaw sent out a statement, in which he said :

"Everything is perfectly satisfactory to me. I am sure I will be able to satisfy the commission that I am sane at the present time. Anything Justice Fitzgerald does is all right. He has always acted in a fair and impartial manner."

The brothers of the defendant did not go to the Tombs, but hurried uptown with the news of the commission to their mother and sisters, who were waiting in their apartments. Thaw had divined the result of the conference with Justice Fitzgerald and was not in the least surprised.

The personnel of the commission lent a new distinction to the already notable case.

Morgan J. O'Brien, a former justice of the Appellate division of the Supreme Court, was one of the trustees, with Grover Cleveland, of the Hyde stock in the Equitable Life Assurance Society purchased by Thomas F. Ryan just prior to the insurance investigation. When he was a candidate for re-election to the bench in 1901 as a Democrat, Justice O'Brien was unopposed. President Roosevelt made a trip from Washington to Oyster Bay to cast his ballot for him.

Peter B. Olney, formerly district attorney of New York county, was a member with William C. Whitney of the commission appointed in 1879 to revise the laws of the state affecting public interests in New York city. He was a graduate of Harvard.

Dr. Leopold Putzel, the third member of the commission, was a graduate of Bellevue Hospital Medical School and had a long experience in that institution. He qualified before the State Medical Board as examiner in lunacy.

A surprise was ahead, however, for former Justice O'Brien declined to serve as a member of the board, after he had been sworn in. He gave ill-health as a reason. Attorney David McClure, a well-known reform worker in New York, was appointed to fill the vacancy.

When the commission was finally in court together Harry Thaw was brought in and found all the members of his family awaiting him. He looked exceedingly well, and smiled a greeting to his wife, mother, sisters and brothers.

The commission began its hearings at once. At the end of the session, which was held behind closed doors, Attorney Peabody for Thaw announced:

“We are perfectly satisfied.”

Hardly had the commission seated themselves when Thaw appeared. He was directed to a chair within the inner counsel rail and sat directly beneath the

eyes of the men whose decision as to his mental capacity was of such vital import to him.

Thaw appeared to be in excellent spirits and sat unflinchingly under the steady gaze they turned upon him. In the big courtroom there were only the newspaper reporters and three of the prisoner's family—his wife, Evelyn Nesbit Thaw, who has never missed an opportunity to be near him since he was placed on trial; and his two brothers, Edward and Josiah Thaw. Mrs. Thaw sat between the brothers.

After the session had formally been opened by the reading of the court's order, Clifford W. Hartridge, acting as counsel of record for Thaw, arose and stated to the commission that his client was ready at any time to submit to such examination as the commission desired. His only request was that the hearing should be private.

"Being a prisoner on trial for his life," said Mr. Hartridge, "he feels he should be protected as far as possible in this matter."

Chairman McClure then announced that whatever examination of Thaw the commission might decide upon would be held behind closed doors.

District Attorney Jerome protested. He remarked that if the commissioners resolved themselves into a body of medical examiners and undertook a physical examination of the defendant in private, he would not attend such an examination.

"But the law requires you to attend the session of the commission," suggested Chairman McClure.

"I shall attend all sessions of the commission sitting as judges in lunacy," replied Mr. Jerome, "but I am not required to attend a board of medical examiners."

Chairman McClure then said the inquiry the commission had in mind was a simple one—to determine whether at this time the defendant is capable of understanding the proceedings against him and of rationally advising his counsel. The commission desires to limit the scope of inquiry as far as possible. The court, he said, wished the inquiry to be brief in order that the pending trial might be disposed of at the earliest possible moment. The commission had decided not to take into consideration the conflicting affidavits submitted to Justice Fitzgerald by Thaw's counsel and the opposing alienists, as they were considered as having been prepared solely for the information of the court.

The first two days of the hearing were taken up with a mental and physical examination of Thaw. He was asked scores of questions, but the nature of these never was made public.

While the investigation was in progress Easter came, and on that Sunday afternoon Thaw had a two hours' conference with his wife in the Tombs prison. The visit by Evelyn Nesbit Thaw was unusual. Never

before had she called on her husband on Sunday. To do so it was necessary for her to obtain from Commissioner of Corrections John V. Coggey a special permit. Mr. Coggey granted it when Mrs. Thaw explained that she had been unable to see much of her husband during the week and that she wanted to be with him some time on Easter Sunday. Comissioner Coggey went to the Tombs himself and remained there during the time that Mrs. Thaw was there.

Before leaving the Tombs Mrs. Thaw said there was no significance attached to her visit. She said she merely wanted to visit her husband on Easter.

"Harry is cheerful and feels confident the commission will decide in his favor," she said.

Mrs. Thaw looked exceptionally pretty. She was dressed in a plain brown tailor-made suit. She wore a flat, round hat of black straw, such as women wear in riding costume. Her veil was white and heavy. She looked just a little pale, and her expression was sad, but she said she felt quite well. The trip to and from the Tombs was made in the electric hansom that Mrs. William Thaw, mother of the prisoner, uses in going to and from the courthouse.

Thaw deviated from his usual custom and attended special Protestant Easter services conducted in the Tombs chapel by the Rev. Mr. Sanderson. A special choir and orchestra was engaged for the service. Thaw seemed to enjoy the music and the remarks of the minister.

CHAPTER XIX.

Commission Finds Thaw Sane.

CRISIS IN CASE IS REACHED—BLOW TO JEROME—EVELYN CARRIES GLAD TIDINGS TO PRISONER—THAW EXPRESSES NO SURPRISE—PROSECUTOR THREATENS TO APPEAL, BUT BOWS TO FINDING.

One of the most dramatic phases of the great trial was at hand. The defense suddenly announced it had closed its case before the lunacy commission, and after a private examination of Thaw by the board Dr. Allen R. Diefendorf told the members that Thaw was a paranoic and had not recovered his sanity. "Thaw is insane now," he swore.

The crisis came on the morning of April 4, 1907. After a session lasting nearly all night the commissioners filed into court and Chairman McClure handed the following report to Justice Fitzgerald:

"After careful examination of the defendant personally and of all the evidence we find the following facts:

"In the frequent and in some cases daily—during the several months last past—intercourse had by the defendant with the Tombs physicians, chaplains, keepers, other attendants, and the probation officer these

persons failed to discover anything irrational in his conduct or speech.

"The defendant has taken an active part in the conduct of the trial, has made numerous suggestions orally in court and by letter as to the selection of jurors and the examination of witnesses. Many of these suggestions were deemed valuable and were adopted by his counsel, and examination of the letters referred to shows that generally the suggestions contained in them were material, sensible, and apparently the product of a sane mind.

"While the testimony of numerous experts called by the district attorney and the defendant's counsel is irreconcilable, that given by certain experts who personally examined the defendant during the trial and since the appointment of the commission, and who of all the alienists examined had greatest opportunity of observing, disclosed the fact that no indication of insanity at the present could be found in the speech, conduct, or physical condition of the defendant.

"The direct oral and physical examination of the defendant by the commissioners themselves disclosed no insanity in the defendant at the present time. Upon all of the facts it is our opinion that at the time of our examination the said Harry K. Thaw was and is sane and was not and is not in a state of idiocy, imbecility, lunacy, or insanity so as to be incapable of rightly understanding his own condition, the nature

of the charges against him, and of conducting his defense in a rational manner.

“DAVID McCCLURE,
“PETER B. OLNEY,
“LEOPOLD PUTZEL.”

This was a staggering blow to Jerome, who protested loudly. The defense was elated. Thaw was not in court to hear the decision, and the jurors also were barred. All the members of the prisoner’s family, however, were present, and Evelyn Thaw herself conveyed the glad news to her husband. Harry was not surprised at the finding.

“It is only what I expected,” he declared. “I am as sane as any man on earth.”

The district attorney, who had been threatening to “appeal to the Appellate court and have the trial stopped,” suddenly decided to yield to the inevitable.

CHAPTER XX.

Delmas, Nestor of Western Bar.

SWAYS JURYMEN BY HIS ELOQUENCE—WAS BRILLIANT AS A STUDENT—HONORED BY SANTA CLARA ACADEMY—STARTS POOR, AMASSES A FORTUNE—DELMAS' METHODS—IMPORTANT CASES HE HAS CONDUCTED.

The supreme moment for the defense came on April 8, when Delphin M. Delmas, the master orator of the Pacific coast bar, arose to address the jury in what proved to be the greatest forensic effort heard in a New York court since the days of Daniel Webster.

Twelve jurymen sat spell-bound under the sway of his eloquence. One wept. A mute, absorbed and sympathetic audience listened—the judge, bending forward, his eyes fixed eagerly on Delmas; the defendant hanging on the words that he hoped would set him free; the wife, the mother, the sister—their faces distorted with the pain of suspense—clutching their chairs, clenching their hands—all the while, rising and falling in waves of emotion, the voice of Delmas echoing a masterful plea for the life of Harry Thaw.

Delmas himself proved little less interesting than his wonderful argument. He first attracted attention in 1856 as a brilliant young student in Santa Clara college in California.

The following sketch of his life was published in the History of the Bench and Bar of California:

Mr. Delmas was graduated in 1862, and in 1863 received the degree of Master of Arts with the highest honors. Entering the law department of Yale College, he received from that University, in 1865, the degree of Bachelor of Laws, and at the same time was admitted to the bar of the State of Connecticut. Returning shortly thereafter to California, he was admitted in February, 1866, in the Supreme Court. In May of that year he opened an office in San Jose.

Mr. Delmas remained at the bar in San Jose for sixteen years; and, in that period, acquired a reputation for skill and ability of the first order. He had also great prosperity from the standpoint of finance. He early held the office, so important and lucrative in that rich section, of District Attorney. He was a public speaker of acknowledged force and grace. By his knowledge, talents and address he gathered around him more friends and clients than any other man of his age in the State. Setting forth without money resources he amassed a fortune. It did not take long to accomplish all this; and when his fame had spread through and beyond the State, he left the field where his most splendid visions had been realized, and established himself in San Francisco. This was on the 1st of February, 1883.

When Mr. Delmas had been in San Francisco about six years, we said of him that no lawyer in this State possessed broader knowledge or was a greater master

of his profession than he. As an advocate he is the admiration of the bar itself. His remarkable clear vision, his subtle intellect, his piercing judgment, his power of statement, have been applauded by the veterans of the profession. Before a jury, he is argumentative or pathetic, as the occasion demands. Unlike some other advocates of brilliant parts, he keeps in mind the fact that "the jury are sworn to make a true deliverance, and that to address their passions is equivalent to asking them to violate their oaths." Mr. Delmas is very painstaking in the preparation of causes and very skillful in their management. He has great capacity for applying himself to his subject. In the matter of evidence his method is noticeable. His system is to make himself, before the case is answered "ready," accurately, mathematically if possible, master of all the facts of the controversy, and especially, of those which are favorable to his adversary. Upon the trial, he takes full notes of everything that is said and done. It is an article of faith with him to state evidence to the jury with absolute accuracy; and he almost invariably prefaces his argument with a courteous invitation to his adversary not to hesitate to interrupt and correct him in case he should inadvertently fall into an error.

It would be impossible to enumerate the cases in which Mr. Delmas has taken part. His practice has been confined to no specialty, but has extended to all

branches of litigation. He has figured in almost every important case which has been before the courts during the last twenty years. The most celebrated of these is, perhaps, that of Ellen M. Colton vs. Leland Stanford, Charles Crocker, and C. P. Huntington, in which Mr. Delmas, who had for associates ex-Chief Justice William T. Wallace, ex-Judge John A. Stanly, Hon. George R. B. Hayes and G. Frank Smith, was the senior counsel for the plaintiff. This case, if regard be had to the eminence of the counsel engaged, the standing of the litigants, the amount involved, the nature of the issues, and the duration of the trial, is, doubtless, the most important that has been tried in California in the last quarter of a century. The trial lasted eighteen months—from November, 1883, to May, 1885. The arguments alone consumed nearly five months. Mr. Delmas closed the case, answering Hall McAllister and J. P. Hoge, who had immediately preceded him.

Since he was elected District Attorney of Santa Clara County, in 1867, Mr. Delmas has never been a candidate for any office, having devoted himself entirely to the practice of his profession. He was, however, appointed a regent of the University of California by Governor Stoneman, in 1884, and served until 1892. While regent he was President of the day on the occasion of the inauguration of Hon. Horace Davis as President of the university, March 23, 1888, and delivered the address of welcome.

In 1869, Mr. Delmas married a daughter of Colonel Joseph P. Hoge, of San Francisco. There are four children of this union one of whom is the wife of William S. Barnes, ex-District Attorney of San Francisco. Mr. Delmas occupies offices at 120 Broadway, New York City.

CHAPTER XXI.

Delmas Moves Jurors.

DECLARIES HE BASES DEFENSE ON LAW—EXPRESSES SYMPATHY FOR WHITE'S WIDOW—“SADDEST STORY EVER HEARD IN A COURT OF JUSTICE”—“BETTER FOR STANFORD WHITE HAD HE NEVER BEEN BORN”—SCORES EVELYN THAW'S MOTHER WITHOUT MERCY.

“If your honor please, and you, gentlemen of the jury, we have no more right, if the real facts were known, to be here trying this prisoner at the bar than if it was prohibited by statute,” declared Mr. Delmas in opening his masterful address.

“Had you heard these words from any irresponsible persons, instead of having heard them from an official charged with a public duty; had you heard them from a man given to irresponsible talk, instead of in this court of justice and solemnity; had the occasion on which they were uttered been some trivial discussion about an insignificant topic, instead of where the discussion is one of life or death—these words might not have filled you with amazement, but this was a statement made by the district attorney..

“To show the falsity of that, it will be necessary to call upon all the energy in my power to reach a conclusion. And to reverse, at least in a general way, the same points of the evidence which you have heard for so many days I shall make no attempt to inflame your passion, no appeal to make your feelings warp your judgment.

“I shall rely on no such unstable thing as the supposed unwritten law. I will base the fate of this defendant on the law of this state—the law of the books, the written law,

"In the performance of my task it will become my duty to speak of the dead. I shall not be unmindful of the injunctions of the departed. Only that which is good should be spoken, but I cannot forget the circumstances under which the protection of the living demand that the truth shall be told, no matter how it blights the memory of the dead or how painful to the survivors.

"Under that law we find ample protection for his rights and life and to that law I shall resort as to the horns of the altar, for his safety. In the performance of my task it will be my imperative duty—unshunnable duty—to speak of the dead.

"I shall not be unmindful of him and shall speak in no other terms—if possible—than those of praise. I shall not forget that for the protection of the living the truth must be told, no matter how painful to the dead or those who survive him.

"Of those survivors I can speak in no other terms than those of the most profound sympathy. For the widow who mourns and the son who survives I have no words than those of sympathy. Gladly would I remove from them, were it in my power, the cloud which must henceforth accompany their life, and gladly would I remove from the young man the sentence that the sins of the father must be visited upon their children to the second and third generations.

"Gentlemen, the story you have listened to is the story of two young persons whom fate, by inscrutable decree, had destined to link together, that they could walk through life together. It is a story—the saddest, most mournful and tragic which the tongue of man has ever uttered or the ear of man has ever heard in a court of justice.

"Let me begin briefly with the story—one filled with incidents with which a volume might overflow and a tragedy might be filled, as though it were written by the hand of a Shakespeare.

"She was born on Christmas, 1884, in the state of Pennsylvania, in the city of Pittsburg. The first years of her childhood saw her lose her father and natural protector and left her in charge of a mother who early manifested a character of frivolity and extravagance which was later to be attended with such fatal consequences.

"At ten years of age the family began to feel the pangs of want, the sufferings of poverty and the gnawing of hunger. At twelve she began to be the family drudge, assisting her mother in such acts as she could perform. And thus the family continued moving from place to place without any fixed habitation on the face of the earth.

"But nature having endowed her with beauty which showed in early youth, we find her looking to it for the support of the family. At fourteen we find her in Philadelphia, already embarked upon the perilous seas of an artist's model's life. But New York was the market in which such gifts were most eagerly sought and would be dearly paid for. And to New York the family came, and by the efforts of the mother the employment begun in Philadelphia was continued here and the beautiful child went from studio to studio and at the end of the week paid into the hands of the mother the scant few dollars she had earned to support the mother, the brother and the child.

"But the large metropolis afforded broader avenues of gain than the mere studios of artists—the stage, with all its tinsel and glare of dazzling lights lay before them and the tempter came.

"The theatrical manager found the girl at fifteen and employed her at \$15 a week, where she slaved at night as she did by day—posing for artists—but at night she appeared on the boards of the stage.

"It could not be long, for the beauty with which she was gifted attracted attention and the tempter came. He saw, he

desired to have, with the consummate cunning of a man whose head had already grown gray. He had a wife and an accomplished son. He fixed his eyes upon the fated child and determined to make her his.

"To win her he had none of the graces which a man of her own age might present. He was already married and had a family of his own and any such thought of love—legitimate love—between him and this child was out of the question. He introduced himself into the family in the guise of a protector.

"His tender solicitude manifested his intentions to ameliorate their condition. He won his way into the confidence of the mother; established himself in the position of a protecting attitude toward the family. When his purpose was secured he persuaded the mother to absent herself from the city, assuring her the child would be safe in his hands in hr absence, telling the family that they should rejoice that they had such a careful eye to watch over the beautiful child. She went. The child was left alone.

"I wish, gentlemen, it were in my power to pass over the scene which followed. I wish it did not have to be embodied in the argument I have to make to you.

"To one of those dens fitted with all the splendor and dazzling beauty with which this man of genius endowed his places, this child was one evening lured, under the pretense that there were to be others there to share the supper that had been prepared, and when she arrived she found herself alone with the man who had promised to be her protector.

"Need I recount to you how the child was led from one step to another until plied with wine and plied with drugs she became unconscious and this man, who had promised to protect the child, accomplished her ruin and downfall? Need I recall to you the terrible scenes which you heard told from the lips of this tortured victim?

"Oh, better for Stanford White had he never been born.

"Better that his ears had never been opened that he could not have heard the words of anguish of the victim.

"For what had he—a man whose hair was already gray—what had he done? He had perpetrated the most horrible crime that can deface the human heart. He had lured the poor, innocent flower that was struggling forth to life. He had committed a crime which is a felony—which the President of this republic in his last message to Congress said should be punished by death.

"He who had erected altars and sanctuaries and churches crowned with the emblem of the Redemption—had he forgotten the words.

"'Who so receiveth such a little child in my name receiveth me, but whosoever offendeth such a little one, it were better that a millstone were tied around his neck and he were cast into the sea.'

"Oh, ye who have erected temples to the God of Abraham, Isaac and Jacob, have ye forgotten the words of Jehovah, when upon the return from Egypt He said:

"'Ye shall not afflict a fatherless child. I will surely hear that cry, and I will kill you with the sword and your wives shall be widows and your children fatherless.'

"Oh, Stanford White, in the entirety of your hardened heart, you imagined that the cry of the fatherless child which that night was heard in the darkness of the great city, where good citizens were at rest, the child without a father, the child deserted by her mother, the child left alone in this city of millions, would not be heard.

"Did your hardened heart imagine that God would not hear that cry? Did you imagine that He had forgotten the promise He made—that any one who afflicted a fatherless child would surely die?

"Did you believe that the retribution would be omitted?

"Better had it been for him had he died before that day,

for then he might have died in glory—he might have died when public mourning would have attended his obsequies; he might have died before his name had become a byword; before his genius had become an aggravation.

“But fate had decreed it otherwise. The poor child, returning to her senses, not realizing what had been done, was taken back to her home, there to sit in lonely vigil until he went back the next day to complete the pollution he had but partially begun the night before. It remained for him to destroy the last vestige of womanly honor in her mind, and he performed that task after daylight that day.

“He went there—he, the strong man, kissed the hem of her garment; told her to dry her tears, and to stifle her moans; told her that what she did was not wrong, that it was but what all women did; that the only sin was to be found out, and that if she would but keep the dread secret pent up in her breast and not tell her mother all would be well; that all women were wicked; that the only distinction was that some succeeded in concealing their vices, while others were found out.

“And so he left her. And so he lured her again and again, plying her with wine in the same dens for a couple of months.

“Is this story true, gentlemen, or, rather, is the story I have related to you the story Evelyn Nesbit told Harry Thaw in June, 1903, in Paris—that, gentlemen, is one of the main questions which you have to decide in this case and in the elucidation of which I may be permitted to occupy a little of your attention.

“The prosecution says this story is a clever lie—the result of the imagination of this defendant’s wife. Your first inquiry must be into the veracity of Evelyn Nesbit. If she never told Thaw this thing, then she has been an untruthful witness before you.

“She gave this testimony: ‘And those things you told

Mr. Thaw of the outrages at the hands of White were true?' Her answer was, 'Those things were true.'

"In corroboration of the statement that these things did take place, I beg to refer to the evidence and to the things that have occurred before your eyes. You have seen Evelyn on the stand for four days. You are men of the world—men accustomed to looking through the souls of men and analyzing their conversations—you are asked to judge if she were a clever actress as she sat in that chair and related the horrors of that night.

"You saw when she came to the final occurrence of that night—you saw her countenance—how the shadow of horror overspread it. Although the story was to save the life of the one person whom she loved, you saw how she shrank from telling it. You saw the drawn face, you saw the brave little girl struggling that she might save her husband, that she might overcome the objectionable features of the story.

"For days and days you have seen her undergoing torture of an examination unparalleled in the jurisprudence of this or any other country.

"Did the District Attorney of your city, to whom I gave the greatest acknowledgment of talent, confuse her? You saw him using all the arts, resorting to all the strategies of a practiced master to entrap a girl who had never testified before. Was she caught in a single falsehood, or contradiction?

"You have seen learned men on the stand—tell me, if you have ever seen a witness who has stood the excruciating tests of cross-examination as well as this child?

"Gentlemen, in that cross-examination the merciless District Attorney—I say merciless without offense, because his office is not one of mercy—you saw him extort from her truthful but unwilling lips the confession that the misdeeds of Stanford White did not stop with the first wrecking of

her life, but continued until God asserted himself in her and she would no longer be the plaything and toy of this man.

"I ask you, on your oaths, if this girl had fabricated this story, would not she or the others who prompted the story have for the sake of sympathy, said that the first drugging was the only occurrence and that she had shrunk from further dealings with such a man.

"Upon any other theory than that the story is true I ask you the question, why did Stanford White just at that moment see fit to remove the mother—the only protector left this child—from her post as sentinel? Why was the mother sent to Pittsburg with money furnished by Stanford White? Why was the brother sent to school?

"Gentlemen, I desire to call your attention to this point. During this time Stanford White made a contract to pay Evelyn the sum of \$25 a week during the time she should be unable to obtain her own living on the stage. And during that one year we have discovered—by a strange fatality which ever seems to assist the cause of justice and to disconcert the cause of injustice—there appears certain checks on which the name of the mother was indorsed.

"And, according to a computation made by some gentleman in court, the mother, for the year following the ruin of the child, received \$2,500, in round numbers, \$200 a month. And yet the District Attorney tells you that at the same time Stanford White was in embarrassed circumstances.

"One circumstance I desire to call to your attention. It relates to the assistance which the prosecution draws in its attempt to deprive Evelyn of her husband. You will recall that when the name of the mother was spoken I disclaimed having said anything that would cast upon the mother any shame that would cast reproach upon her.

"Gentlemen, at the time I made that declaration, I wish you to bear in mind that three things had not been developed:

“First. That the mother had been in receipt of \$200 a month from White.

“It had not been developed at that time that the mother was assisting the prosecution in the work of this case.

“It had not been developed at that time that the mother had given a written statement to the District Attorney by which he might torture the soul of her daughter, a daughter who had been left alone in the world except for a most unnatural mother.

“And when I saw the District Attorney with that paper in his hand, when I heard him read from it on the cross-examination of this girl, when I learned that every shaft which he aimed at her heart came from a quiver furnished by her mother, when I learned that every sore in her poor soul had been pointed out to the District Attorney, that it was a mother who was pointing out those sores, and when I learned that the poor little girl had been sent away to school so that she might get the money she desired from Stanford White—I now retract what I then said.

“Oh, most unnatural mother, you, who left the girl a victim of the lust of this gray-haired man! You who received the wages of her downfall, funds with which you bedecked yourself with diamonds and finery, now in the hour of her supreme agony this mother assists the prosecutor of her husband!

“Why, a beast that wants reason protects her young! I have seen a poor little bird no larger than your fist while I was out hunting. A number of young ones were playing in the dust around her and I have seen a pointer come running upon them and I have seen the little bird ruffle its feathers until it looked as big and old as an eagle, making the dog pause and return abashed. . .

“I have now laid before you in outline what was given you in evidence. I propose to prove by evidence that will demon-

strate the truth, which will leave no hook upon which to hang a doubt, that Evelyn Nesbit told the story she swears she did in Paris in 1903.

"In the first place, you have the undoubted, undisputed fact that Mr. Thaw in September of that year, when Evelyn's mother returned to New York—that Mr. Thaw narrated that story in a letter to his counsel, Mr. Longfellow. In the first letter he says:

"'Mistress Nesbit sails to-morrow for New York. Her daughter can't be with her, because Miss N. was beguiled by a blackguard when she was but fifteen years of age. The child was drugged.'

"And in a later letter to Mr. Longfellow he says: 'Her position could not be worse. She was poisoned at fifteen and three-quarters. Also since.'

"Now, gentlemen, bear in mind that these two letters were written by Mr. Thaw in Paris to his counsel, Mr. Longfellow, in New York. I ask you who is the blackguard referred to in these letters if not Stanford White? What is the superhuman negligence of the mother, if not her trip to Pittsburg, leaving her daughter alone in New York?

"How was the child beguiled, if not by Stanford White's paternal kindness and show of parental goodness?

"I leave it to you as to what these two letters can refer to if not to the story Evelyn Nesbit says she told Harry in Paris in June, 1903.

"She told how she had learned this young woman's name. He said he desired to shield her from the awful consequences of the deed. What was it the child that had come from Pittsburg, that had first posed as an artist's model, and had then gone on the stage—what was it she had told Harry Thaw and what had he told his mother?

"The learned prosecutor says that he invented it all. After inventing did he go home and tell his mother—the

mother who had given him birth, who had nourished him at her breast, who had watched him in his sleepless bed at night as he was giving evidence of the troubles which were to have such a bearing on this case?

"When he broke down in church and tears fell from his eyes and a groan broke from his lips was he telling, was he acting a lie?

Harry Thaw loved Evelyn. He had loved her ever since he saw her in 1901. He had loved and wooed her honorably, and honorably sought to make her his wife.

"I make these assertions just before seeking to make any deductions from them. It is meet and proper that I establish them as facts. As early as 1901, when he found her on the stage, he realized that was not a fit place for a young girl like her. He was contemplating sending her to school—that is to say for three years. Then she might come out and take her station in the world as his wife.

"And if not, even though she did not become his wife, he would be amply repaid by the nobility of the act he had performed. Evelyn Nesbit says he met her in 1901 and called upon her frequently, but was not always at that time a welcome visitor. It seems her mind had been poisoned by the same persons who afterward poisoned her mind against him again. He says of her: 'When I first knew her she was the most active, laughing, strong and fair child I ever saw.'

"That was the time when she was the support of the family, going about in the daytime from studio to studio and appearing on the stage at night and pouring into the lap of her mother her scant wages.

"And what was the nature of the foul wrong done to this child?

"What was the fatal deed which he said he would gladly have purchased with his life if it could be undone?

"I say to you, these letters refer to no other transaction

than the story she related on the witness stand—the story she told you she told him in June, 1903. The letters were private. They were to be locked up in Mr. Longfellow's breast. Then ask yourself whether it is possible that Mr. Thaw was telling his lawyer in September a falsehood or an invention of his own brain?

"That is not all. You remember Thaw returned to New York in November and shortly thereafter went to his home in Pittsburg and told his mother the selfsame story he told his lawyer then in these two letters.

"I desire to give you the mother's testimony and ask you whether I am not telling you exactly what occurred.

"Not only that but I invite interruptions if you desire to set me right if I omit or tell anything that was not part of the testimony.

"Now, the mother whom you have seen on the stand and of whose veracity I believe not even the prosecution has any doubt, this mother says that after he arrived home she found him awake at night, and when she went to his room he said it was because of a wicked man—perhaps the most wicked man in New York.

"She learned before Thanksgiving that this was said about a young girl, but did not at that time learn her name. Her son told her he was interested in that girl. This she learned one night when the mother found him in his room at dawn. He had not been able to get sleep surcease from his tortured brain.

"She said, the son said, that this girl had the most beautiful mind he had ever known, that she had been neglected, that if she had a chance and anyone looking after her she would be all right. And then you remember, gentlemen, Thanksgiving came. And the mother and the son went to church together, and there, while the solemn anthem was peeling, she heard tears dropping upon the paper which he was holding in his hand, a stifled sob.

"In 1903 he intended to marry her. Writing to Longfellow, he says:

"'Miss N. and I may be married after Lady Yarmouth comes. We could have been married without a row. If I die, all my property goes to my wife.' And, writing to her, he says: 'Mr. and Mrs. George Carnegie should be your loving brother and sister-in-law.' Gentlemen, no man of his years, of his temperament, ever wooed a woman in a manner more respectable than Harry Thaw did Evelyn Nesbit.

"There is nothing to show that everything and every bit of testimony does not confirm the statement of Evelyn that in June, 1903, he proposed honorably to make her his wife.

"In corroboration of these facts told by Evelyn Nesbit, that she told this story of Stanford White, that he, Thaw, asked her to marry him, that it is not a cunningly devised tale told by Harry Thaw for his own purposes. I ask you these questions: Does a man who loves a woman, who has lavished upon her for two years all the affections of his heart, does a man who loves a woman honorably and sought to make her his wife and besought her mother's consent—does a man like that deliberately invent a story of this kind to defile the object of his adoration?

"Until you can take from this case the fact that Harry Thaw loved Evelyn Nesbit, if any man says to you that he deliberately invented this story to degrade the object of his affections—the most degrading story any man could tell—it is not in the human heart but to revolt from the allegation.

"If I mistake not, I have established to your satisfaction the great, simple fact—that this story about Stanford White is not an invention and that the statement that Evelyn Nesbit did tell the story to Thaw is true. ,

"As against this assertion, what evidence is there in this case? What is there to contradict this statement of Evelyn Nesbit, the statement that she told this story to Thaw?

"Nothing except the testimony of Abe Hummel. I will not speak of that unfortunate man in any harsher term than the exigencies of this case require. But it is a melancholy sight to see a man in the declining years of his life, when soon the sun must set for him forever, and he will appear to give that account of his life that we are all called upon to give after death—I say it is a melancholy sight to see a man whose pathway has been wreathed with dishonest acts, crowning his acts with perjury—resorting to perjury in order to deprive a fellow of his life.

"Gentlemen, is this censure deemed excessive? Listen. Mr. Hummel is not lacking in intelligence—certainly is not lacking in cunning.

"Let me recall to your mind the photograph of the alleged affidavit. You remember what weight the prosecution attached to it and of what importance they considered it. Let me call your attention to all the points in Hummel's testimony regarding this.

"Thaw's lawyer then tore Hummel's evidence to bits, showing that in one place he swore positively he sent for the photographer and in another he swore as positively that he did not. Continuing Delmas said:

"Which of these stories is true? They both come from the witness sitting in that chair. They both have the sanction of his oath—the oath of a man already convicted for subornation of perjury and conspiracy. Both of these stories cannot be true. Which one is true? One of these two stories is a deliberate falsehood, and which it is I care not. They probably are both false.

"Abe Hummell testifies that this thing, miscalled 'affidavit,' was dictated by him in the latter part of October, 1903, in his office, to a stenographer whose name he does not remember and even whose individuality he has forgotten.

"Listen: If Abe Hummel dictated this illegal affidavit,

as he swears he did, in the latter part of October, 1903; if this is his work; if these are his words, this his dictation, then he committed deliberate perjury, gentlemen, and the proof of this perjury was in the hands of the learned interrogator. He held the paper before him while the witness was in the chair and could not but know that at that time the witness was swearing the proof of his perjury was lying before him.

"In order that Abraham H. Hummel could testify at all—before his lips could be unsealed—it was necessary for him to swear he was not acting in an official or professional capacity for Evelyn Nesbit when he dictated this statement. Hence the absolute necessity that this wretched old man should swear that he was not acting as her attorney.

"Hence he says, 'I was not acting for Evelyn Nesbit. There was no action contemplated by her. She did not consult me in my official capacity.'

"Hence there could exist no professional relations. He said so.

"This is the famous paper by which Abraham Hummel hoped to help the District Attorney send Harry Thaw to the electric chair. Who dictated these words, which lay open before the District Attorney as he questioned Hummel?

'I received many cablegrams from Mr. Thaw, which I turned over to my counsel, Abraham Hummel.'

"Who dictated these words, if the paper was dictated at all? Abraham Hummel, who came upon the stand and swore he had never acted as her attorney—Abraham Hummel!

"'Howe & Hummel, attorneys for plaintiff,' are the words that appear on the indorsement of this paper. And who was the plaintiff? Evelyn Nesbit.

"And the same man who tells you no action was con-

templated is the man who dictated the first words of this affidavit, which read, 'Evelyn Nesbit, plaintiff, vs. Harry K. Thaw, defendant.'

"This is in letters as legible as I have ever looked upon. Perjured when he tells you he was not counsel for Evelyn Nesbit, when he tells you no legal action was intended, when he dictated this affidavit.

"You are called upon to convict her of perjury.

"You are called upon to do so upon the strength of Hummel. And on that testimony you are called upon to deprive a human being of his life.

"How did this paper have its birth? Miss Simonton, as I have told you, came here after hearing in Paris the story you have all heard. Arriving here, she went to Mr. White in order to get confirmation or denial of that story. His body turned icy cold when she told her story you have heard.

"He knew that what he had done would not only disgrace him, but would send him to prison.

"She was told that Harry Thaw was a married man and that she should be protected against Harry Thaw, and he took her to Hummel's office. What was White's object in taking her to Hummel's office? It was to get from her by some monstrous deception her statement of her story about herself that would neutralize their efforts should they ever attempt to bring up against him their story of his outrage, of his acts."

At this point Mr. Delmas had spoken two and one-half hours, and court was adjourned, with another day of supreme effort ahead for the brilliant general in command of the defense.

CHAPTER XXII.

"The Unwritten Law"--The Defense Ends.

DELMAS IN FINAL BURST OF ELOQUENCE CONCLUDES STORY OF EVELYN THAW'S SAD FATE—DECLARES STANFORD WHITE A MONSTER WHOM THAW WAS JUSTIFIED IN PUTTING OUT OF THE WAY—CRAZED BY WRONGS DONE TO EVELYN—REMARKABLE SERIES OF LETTERS—DEFENDANT PICTURED AS A BENEFACTOR TO SOCIETY—"I NOW, WITH ALL SOLEMNITY, LEAVE IN YOUR HANDS THE FATE OF HARRY K. THAW."

In a final burst of eloquence seldom equaled before the American bar, Attorney Delmas concluded his pitiful tale of the wrongs of Evelyn Thaw and her husband, and concluded dramatically:

"I now, with all solemnity, gentlemen of the jury, leave in your hands the fate of Harry K. Thaw."

Mr. Delmas made a direct appeal to the unwritten law. He said:

"Let me call the 'insanity' of Thaw 'Dementia Americana.' It is the species of insanity that makes every American man believe his home to be sacred; that is the species of insanity which makes him believe the honor of his daughter is sacred; that is the species of insanity which makes him believe the honor of his wife is sacred; that is the species of insanity which makes him believe that whosoever invades his home,

that whosoever stains the virtue of his threshold, has violated the highest of human laws and must appeal to the mercy of God, if mercy there be for him anywhere in the universe."

The point of Delmas' whole argument was that Stanford White deserved his fate; that Harry Thaw in shooting the architect had acted as the champion of purity and goodness, and that he had slain a foul monster that had preyed upon the virtue of women.

The closing part of the summing up by Delmas was as follows:

"I will relieve the long suspense which has been occasioned by your labors by announcing that I will shortly leave the fate of this defendant in your hands. Before entering upon the remarks which I propose making it may be useful to cast a rapid glance over what I have already said, so that you may connect what I shall have to say with what I have already said.

"I have endeavored to lay before the eyes of the jury the picture of the fate of these two young people. I had tried to show the unfortunate occurrence which befell her when she narrated to him in the summer of 1903 her awful story of what had happened. I have shown, or at least have endeavored to convince you, first, that the facts which she swears she then related were true and, secondly, that it was true that she did relate them to the defendant at that time."

Here Mr. Delmas endeavored to prove these facts.

"Gentlemen, I shall prove to you from a number of sources, and first, without adding any words of my own, in the very language in which it was told by Evelyn when she was testifying before you.

"She says, after narrating what took place in Paris in June, 1903: 'The effect of this story on Mr. Thaw was terrible. To think of me—I was so young—and to think of this big, great yellow brute. It must have been frightful. He could not think of it. He would walk up and down the room exclaiming, "Oh, God; oh, God," and kept sobbing, not like an ordinary sob, but a terrible sob. He kept saying, "Go on, tell me the whole story." He said it was not my fault—that I was simply a poor unfortunate little girl; that he didn't think any the less of me on account of it, and he said that no matter what happened he would always be my friend. He renewed his proposal of marriage two months after. He said that I was not to blame—that it was not my fault.

"'I told him that if I did marry him the friends of Stanford White would always laugh at him—that they knew about it and would be able to sneer at him after our marriage; that it would not be right for us to get married; that it would not be a good thing because of his family; it would get him into trouble in his social relations. He kept saying that he could never care for or love anybody else. He said he never could marry another woman and that he wanted to make me his honorable wife. He said I was an unfortunate person and he thought just as much of me.

"'He kept pressing me to become his wife, but I said I could go on the stage. I said that if he ever met some one he wanted to marry he would be perfectly free to do so.

"'I loved him so dearly, but during the whole period I was refusing his offers of marriage because I loved him. And I also respected him.'

"'Sublime renunciation,' says the sneering district attorney. 'Sublime refusal on her part to accept the hand of a wealthy man when he offered her an honorable union.'

"Incredible, he would lead you to believe.

"'Impossible!' the district attorney says, and in the same breath intimates that it is a falsehood from beginning to end.

"I shall prove to you by evidence that will convince you beyond every doubt that this renunciation by Evelyn was sincere. But, thank God, the great Creator has placed in the breast of gentler woman the noble sentiment and renunciation for the consolation of the home and of the world.

"But I shall prove to you that it is true. I shall prove to you beyond the slightest doubt that she did refuse him, and refused him for that reason alone.

"Man, it may be, has not that great power of renunciation, but in the gentler breast of woman do we find that great gift of God, and in the breast of this little girl existed this great strength that enabled her to put aside her one love when she knew it was for the good of the one she loved.

"Sublime renunciation! Ah, it indeed is. Do you remember the letters he wrote three months after this sublime renunciation? He says in a letter written in September, 1903: 'Three months ago I asked her point-blank. She thought, but said she would not; that it would shut me out,' etc.

"The genuineness of this letter is not disputed; that it was written to Mr. Longfellow is not denied; that Mr. Longfellow was the trusted friend and adviser of Harry Thaw is admitted. Three months before September, 1903, when this was written, was in the early summer of 1903. Is not that true? Is it not true that she had refused him? In this letter he says she thought she did not want the man she loved to become an object of scorn.

“She looked up to the man she loved and she did not want the man she loved to be pointed at with the finger of scorn.

“In her little heart she said, ‘Oh, Harry, I love you. I love you so much that I will not drag you down. I want to leave you free, and the moment you say so I shall return to my own sad way. You shall be free and happy and I will go down until I, like many others, have disappeared from the world.’

“The sneer, then, is unjustified. The sublime renunciation did take place, although we men may not rise above our sordid occupations to realize it. Do you remember how his mother saw him holding his vigil in his room; heard him sob and moan, and how he told her about the awful wrongs done to a little girl whom he loved?

“And he told her he desired to protect the child from the vile wrong that had been done her; that he had proposed marriage, and that she—I quote the very words of the mother—that she had refused because she would not drag him down.

“Has this gray-haired and venerable mother in Israel come here to perjure herself, or did he deceive her when he told her that he wanted to extend his protecting arm over the girl whom the other had betrayed; that she, the poor little girl who was earning her living by the talents God had given her—she refused the man, not because she did not love him, but because she thought it would not be fitting to wed the man she so dearly loved.

“Sublime, indeed, was the renunciation of this girl, unless the mother of Harry Thaw has not told the truth upon the stand. I return to her story as told in her own words. She says: ‘He talked altogether too much of this thing. He did not sleep nights. He cried too much about it. It was not crying, but terrible sobbing. He would sit

for hours without speaking or moving, and it was terrible, terrible. He got worse about it. He would sit for hours in a chair, just biting his nails. And then, in the midst of it, he would suddenly ask me about Stanford White. It seemed to be something that was ever present.'

"This, gentlemen, was the condition of Harry Thaw when, in 1903, he parted from Evelyn Nesbit and sent her back ahead of him to New York. You have the first faint dawn of that mental condition which manifested itself three years after. The tower in which reason held its seat did not topple over, but its foundations were already beginning to be undermined.

"The storm had not burst forth, but the dark clouds were gathering from the four quarters of the horizon, from which lightning and thunder were three years afterwards to burst forth.

"She says that he called upon her as soon as he arrived in New York—the middle of November. She had got to this city in the latter part of October. In the meantime such things had happened here that when the man whom she loved and whose hand she had refused called upon her she declined to see him alone, and she says: 'I saw him at the Navarre. I would not see him alone. He came into the room and sat beside me and said: "What is the matter with you?"' and I said: "I don't care to speak to you because I have heard certain things about you." He said he did not understand, and wanted me to tell him.

"'I told him that I had heard terrible stories. He said, "Poor Evelyn! They have deceived you!"' I told him that Mr. White had taken me to Abraham Hummel's office and that they had showed me papers which they said were filed in a suit by a young woman against him. He said, "Poor little girl! You can believe them if you wish." The interview lasted ten minutes. I persisted I did not

want to have anything to do with him. At the parting he kissed my hand and said no matter what happened he would always love me and I would be an angel to him.'

"Gentlemen, I ask you to picture yourself in the state of mind Harry Thaw was in when he received such a greeting from the woman he loved—the one he had parted from but a few weeks ago; the one he had sworn to devote his whole life to. I ask you to imagine what his condition of mind was when he returned to New York and found that she had had her mind so poisoned against him again by the man who had been the cause of all her misfortune.

"She would allow White to fill her mind with these terrors of Harry Thaw to such an extent that she refused to see Harry Thaw alone. And what must have been the condition of mind of that poor man when he exclaimed, 'Oh, poor, deluded Evelyn!' and stooped and kissed her and then parted, as she believed, forever from her.

"Gentlemen, what was the condition of his mind is pictured to your eyes by documents of immeasurable worth, telling the story of this epoch in Harry Thaw's life.

"The series of letters that voiced the wail that came from his suffering soul is unparalleled in history from the time of the Greeks to the present day.

"He wrote to her the day after he had kissed her hand and parted from her—she thought for all time—he wrote: 'Yesterday I saw you—you believed everything false people told you. Poor little Evelyn! You have fallen back into the hands of the man who poisoned your life—who poisoned your mind. I have no reproaches to heap on your head, for I know you are honest.'

"'I must fight this battle alone,' his letter went on. 'I should have bet every cent in the world three weeks ago that no hypnotism in the world could have made you turn on me.'

"If this man (Hummel) who sat upon that chair and perjured himself in your presence—had he kept away with his smooth tongue and professional tricks and devices, poor little Evelyn Thaw would not have turned away from her the man who loved her and who was ready to sacrifice his life for her.

"She would not have broken the vow which she pledged. She would have kept the purest thing from the pollution of those double-minded, lying, deceitful, treacherous persons.

"'I am changed, but not in truth or faithfulness. Alone I cannot settle down. I am not responsible now, so I am frivolous and not at all as I was before. I can do no more than make the best of it, which was far from bad except for regrets—every loss, every illness, every opportunity missed—all these together are but as the raging sea of water to a battling ship. Everything is trivial to me now.'

"Pages neither of poetry nor oratory contain a more simple story of anguish than the one of this young man, seeing the object of his affections won from him by this man who had wrecked her life.

"All was lost to him and the world appeared to him flat. He had nothing to live for—all the ambitions of his life were gone and whatever could happen was but as a glass of water in the sea in which a ship was battling. He left New York in November for his mother's home in Pittsburgh in this condition.

"Up to that time Harry Thaw had been a man of cheerful and sanguine temperament. His mother saw a change had come over her son the moment he crossed the door. His manner was entirely different. He had an absent-minded look, as if he had lost everything.

"She told how she then in the dark of night had found him sitting up on his bed fully dressed—how she questioned

him. ‘It’s no use,’ he said, ‘I cannot sleep.’ The mother was allowed to peep into the heart of the suffering son by the story she brought out, little by little.

‘But even then he would not tell the girl’s name, and then you remember the scene in the church and while the organ pealed; how the sob broke from his throat and the tears gushed from his eyes, and how when his mother asked him why he had sobbed he answered, ‘But for him she might have been with us today.’

‘That was the condition of his mind; that one thing was ever in his mind.

‘He could not, he would not forget—great, courageous, indomitable man, who believes he has a mission to fulfill, to make one more effort to rescue her from the hands of vice into which Stanford White had lured her. He came back to New York and met her in a drug store, where the artificial means were found to supply the beauty she possessed, and he said: ‘Oh, these things are not for you.’ And you remember how, afterward, they met as mere acquaintances in the street and passed the time of day.

‘Here again no words of mine could supply the picture that is furnished by the words of the wife herself as they fell from her lips on the stand. She says that when they met at the Cafe Beaux Arts: ‘I said I was going to a play, and Mr. Thaw said I looked badly and wished I would not go to the play. He would pay me my salary I would lose—that he would send it through a third party. He begged me merely for the sake of my health not to go to the theater.

‘‘But I said that I would go; that I had no other means of livelihood.’ You remember they met a couple of days afterward and he asked her to tell him of the stories that had been told about him. ‘I told him then,’ she said, ‘all they had said about him and that he was addicted to

morphine and had many other vices, and he said he could easily understand that they had made a fool of me. He urged investigation.'

"She could find nothing in the stories. 'I never lie,' Thaw told her. 'You never told me a lie in your life,' she said. And while she was investigating these stories spread by Abraham Hummel for the protection of Stanford White, he told her all these things had been disseminated by Stanford White and his friend.

"When she discovered that these awful stories were untrue—learned that they had been disseminated by Stanford White and Abe Hummel for the purpose of separating her from the man who loved her and whom she loved—hope began once more to dawn upon him.

"The hour of reconciliation was at hand. The barriers which had been set up between them were one by one falling to ruin and the two persons whom God and nature had intended to be united were drawing nearer to each other.

"That night in December, 1903—that night might have been, gentlemen, the beginning of another tragic chapter in the life of this poor child—the night when Stanford White in the lofty room in the tower where he had spread a banquet in celebration of the birthday of his child victim—the night in which he was to lure her once again if possible, and bring her under his influence—the night in which, amid the glare of the lights and the splendor of the treasures he had planned to renew his power over the child victim.

"And the little girl, who had resisted the pleadings of rescuing her came to her and snatched her from the clutches of Stanford White—snatched her from the snares set for her—from the man whose very existence had been a menace to her and the curse of his whole life.

"He folded her in his arms; he snatched her away from

the old man. And that night began another series of events. It was on that night that Stanford White, baffled, his plans disconcerted, went about that theater in Madison Square hunting for his victim, and, finding her not, pistol in hand and with impotent rage in his heart, threatened to shoot the man who had baffled his schemes.

"And that night Harry Thaw, as he walked the streets of New York, found that his footsteps were being dogged by hired malefactors in the pay of Stanford White, and he learned in a few days of the threat of Stanford White and his hirlings. From that moment the dread of his life being taken away by this man added a grim specter to the one that already had been haunting him.

"And he from that time, as she relates to you, began to think himself persecuted by Stanford White. The scurilous stories circulated in newspapers and elsewhere he attributed to him. He expressed apprehension of personal violence and impressed upon her mind that if he died she was to have his death investigated and to spare no pains.

"He told her he would probably be set upon in New York by some one in the employ of Stanford White. He said the Monk Eastman gang had been hired to kill him and the fear of death constantly haunted him.

"Consider in this connection, consider the strange clause in his will—if you will not take it from Evelyn—the strange clause appropriating the sum of \$50,000 to be devoted to the investigation into his death, should it occur.

"In 1904, in the latter part of the year, or the beginning of 1905, a second operation was performed on Evelyn. And when she was convalescent the man who for two years had loved her, the man who had told her sad story to his mother in 1903, who had been refused by her because she thought their union would interfere with his family relations—that man, I say, such was the constancy and fervor

of his love, persuaded his mother to come to the little girl whose sad story she knew and whom in her heart she could not but revere.

"And she came to New York—she, embodiment of all that a good wife and mother means—she came and saw the little girl and assured her that she would be welcome to her home; that no allusion would ever be made to her sad story.

"And the little girl, who had resisted the pleadings of the man who had loved her and because she loved him, could not resist the pleadings of the mother, and on April 4, 1905, they were united at the altar, when he in return for her love pledged to her before Almighty God that he would protect her. And these two were then made one.

"And after a trip westward they returned to the shades of Lyndhurst, the old family homestead¹. They were happy in each other's love, happy in each other's confidence, forgetting the past.

"But social or business exigencies would not prevent them from coming to New York, and one day while riding down one of your streets there appeared the form of the man who had been the cause of so much anguish, and he, though she was the wife of another man, stared at her, and had the audacity to call her by her first name.

"She went back to the hotel where her husband was, and told him what had happened. And he, in his anger, exclaimed: 'The dirty blackguard had no right to speak to you—no right to speak your name.' And he extracted from her the promise that no matter what happened she would tell him all.

"'He made me,' she says, 'promise that if I ever saw Stanford White I was to come home and tell him of it.'

"They next met in New York when she was going to a physician. Their hansom crossed at Thirty-fourth street.

He stared at her, pulled at his mustache, and stared and stared. She did not speak to him, but looked away and turned into Twenty-second street.

"He also turned, and as she ran up the stairs of her doctor's he followed her. She became frightened, and ran down the steps and jumped into a hansom and drove to the Lorraine, where she told her husband.

"'He got excited,' she said, 'and bit his nails.' In May, 1906, not long before the hour which was to be Stanford White's last on earth, this is the story that she related to her husband. She told him that Miss Mae MacKenzie had told her that Stanford White had been to the hospital to see her. That she, Mae MacKenzie, had said to him, 'Isn't it nice the way Harry and Evelyn really do care for each other?' and that she said that she had found it out, and that Stanford White said: 'Pooh! I don't believe it.' And Miss MacKenzie had replied: 'Oh, yes; it is true. I know it myself, and I think it is so nice,' and Stanford White had remarked: 'Well, it will not last long. I will get her back.' All this she related to her husband.

"Then, when she told her husband what Mae MacKenzie had told her, he became wild, and began to gnaw his finger nails. Did he not have cause to get wild, to lose that reason which in a civilized community one is supposed to stifle?

"'I stole her once from her mother, I will steal her now from her husband,' Stanford White said. But between him and the consummation of that act there remained the strong arm of that young man to protect her from his snares.

"You remember how at Daly's Theater Harry Thaw and his wife saw Stanford White in a box opposite, and how, when he saw him, he became enraged.

"When he looked into those eyes, into which so many

a young girl had looked before she went down to her ruin, his eyes grew wild and he just sat there and stared and stared at the object of his thoughts. She says, describing another meeting: ‘At another time, when Harry and I were passing Herald Square in a hansom, we saw Stanford White on the street. Mr. Thaw grew white and his eyes glared. He talked so fast that I could not understand him. He carried on in this way for about fifteen minutes. I believe Harry had a fit then and there. He shook violently. He moaned and clenched and unclenched his hands, and that was the way he acted when he saw Stanford White.

“‘One Sunday,’ said Evelyn, ‘he was sitting in a chair in my room and suddenly he began to sob and cry without any warning whatever, apparently gazing upon vacaney.’

“His mind was always on this man. He cried until at last his own wife could not but believe this subject—the thought of Stanford White—had preyed so on his mind that he had become insane.

“The man who had brooded over those pictures of horror for three years—this man would have been more than human if he could have preserved a calmness of reason. Now, gentlemen, place yourselves in the position of this defendant.

“Recall the time, those of you who have wives, recall the time that you led the one you loved to the altar, and if possible do this defendant justice. You remember when the little lady tells you that her husband on this subject had lost his mind—do you remember in this connection the spontaneous exclamation of the friend who, on hearing the shots fired on the Madison Square Roof-garden, made the exclamation: ‘This is the act of an insane man.’

“Gentlemen, nothing now remains for me to do but to call your attention to the events of the night of the tragedy. With a view simply of elucidating the great point, fix your

attention on this point—that is, the condition of mind of the defendant on that fateful night—you recall that Mr. Thaw, his wife and two friends were seated at dinner at the Cafe Martin, a place of public entertainment in this city. The time was summer, the evening doubtless was sultry. Tables had been set upon the balcony, the veranda on the outside for the accommodation of those who desired a cooler spot.

"Now, while this party of four were seated at the table, Stanford White, by accident or design, came into the room in which they were seated. He came in through such an entrance that Harry Thaw himself could not see him. After White went out on the veranda on the Fifth avenue side and remained there a considerable time.

"The wife, seeing him, forbore at the time to call her husband's attention to him, and only when he was gone did she call his attention on paper. She wrote upon it, 'The B——' (meaning blackguard) 'was there, but has gone out again.'

"As denoting the condition of mind of the defendant at that time, he turned to his wife and said to her, 'Are you all right?' and her answer that she was mastered every emotion he had in that public place and the incident had no further consequence. Now, you will remember that during the afternoon Thaw had procured four tickets for the performance that was to take place that night at the garden. He took with him his party and on the way took along another friend to whom he gave his own seat. He went about with his busy, nervous activity which characterizes him until he found a seat beside the witness Smith.

"He sat by Mr. Smith for half an hour engaging in such idle conversation as so-called men of the world indulge in—men whose minds are not seriously engaged in the serious problems of life.

"When Thaw saw White he walked quietly and slowly down the aisle until he faced White and then fired three shots.

"He then slowly and deliberately turned away—and I wish to call your attention especially to this circumstance, apparently slight, but to my mind of the utmost importance, and testified to by the defense. Mr. Meyer Cohen, one of the witnesses, said that as soon as he heard the shots he looked and saw Thaw standing facing the audience with his arms spread out in the form of a cross, a circumstance which has not been dwelt upon by any of the learned experts for the State.

"Mr. Thaw stood as a priest might have stood after some ceremony of sacrificial offering, saying, 'All is over,' and dismissing the congregation. He turned his pistol barrel down to indicate to the audience that there was no danger to them.

"He then walked slowly to where his wife stood, and when she said, 'Oh, Harry, what have you done?' he replied: 'It is all right, dearie, I have probably saved your life.' As he said this he stooped and kissed her. When he was disarmed he said, 'He has ruined my wife.' When the policeman came he said: 'He has ruined my wife.'

"I have dwelt upon these acts and declarations of Mr. Thaw at that time to call your attention to the fact that the safety of his wife was menaced by the man who had followed her to the garden, the same man who had followed her to Dr. Delavan, the same man who had said to Mae MacKenzie he would get this young wife away from Thaw.

"What condition of mind must Harry K. Thaw have been in when walking down the aisle he turned and suddenly saw the form—the hideous form—of the man who had caused so much unhappiness.

"If you have been near death you know that at such

a time the mind travels with the rapidity of lightning. The mind goes back over the past like lightning. Then Thaw, as he looked upon the hideous form of this man, saw the whole panorama of White's life. He saw him making his way into the family where poverty dwelt; saw him laying bare his plans to ingratiate himself; saw him giving the mother money to absent herself from the city that he might perpetrate the deed of shame he had planned; saw him inflaming her youthful imagination; plying her with wine; saw her mind wandering under the fatal drug; saw her losing consciousness; saw her in her shame; saw him next day kissing the hem of her dress; heard his thousand protestations of love; heard her refusing, and saw that chamber in Paris where she told him the story of her wrongs; heard again his oft proposals to her; he saw that terrible night when she had told him her story; he saw himself as he walked the floor and cried, 'Oh, God! Oh, God!'

"He saw her return to New York; he saw her meet this man who had wronged her; he saw her about to fall into this villain's hands, and he saw himself rescue her from this man. He saw himself again at the altar marrying her.

"He saw her when her mind was poisoned against him by the same man who had ruined her; he saw her rescued from the man; he went over the happy months he had lived with her in his mother's house; he saw this monster and he heard his words, 'I will get her back,' and he knew not, he reasoned not, he struck as does the tigress to protect her home—struck for the purity of American homes—struck for the purity of American maidens—struck for the purity of American wives. He struck, and who shall say he was not right?

"He had appealed to the Pinkertons, to the district

attorney, and that night he appealed to God, and God that night answered that cry—the cry of the fatherless child. And God then redeemed the promise He had made thousands of years ago when He said He would hear the cries of the afflicted and that He would make the wives of the oppressors widows and their children orphans.

“Ah, gentlemen, what was his condition of mind at that time? Men, judge your fellow-man as ye would be judged. Place yourselves as far as in your power lies in the place he stood.

“It is for the district attorney to prove that the defendant was sane, and if he fails to do this he has not established his case. He must establish that he was sane at the time.

“And I ask you not to violate any law, and I ask you to judge by that law which bids you do unto others what you desire others to do unto you.

“Send this young man to his death for what he did when goaded into frenzy by the persecution he had suffered? He turned at last as the weakest of created things will turn—as a worm, it is said, will turn against his tormentors—send him to his death for that?

“Ah, gentlemen, recall the language of the great book in which is contained the wisdom and religion of the people of old, and I say to you, Is Jonathan to die for ridding Israel of its pollution?

“Is Jonathan to die for working this great salvation in Israel?

“God forbid! Not a hair of his head shall fall to the ground, for he walked with God on that day.

“I now with all solemnity leave in your hands the fate of Harry K. Thaw.”

CHAPTER XXIII.

"Thou Shalt Not Kill"—Jerome.

PROSECUTOR IN TERRIFIC DENUNCIATION OF HARRY THAW AS A COLD-BLOODED MURDERER—ATTACKS CHARACTER OF EVELYN, THE “ANGEL CHILD WHO WAS ALWAYS READY TO GO TO THE HUMAN OGRE” WHOM THAW KILLED—SNEERS AT THE YOUNG WIFE—WARNED JURY AGAINST “DEMENTIA AMERICANA,” PLEA—“NOTHING TO SHOW DEFENDANT WAS INSANE; EVERYTHING TO SHOW HE WAS SANE.

In his supreme effort to send Harry Thaw to the electric chair, District Attorney Jerome in his closing speech savagely lashed the defendant as a deliberate, cold-blooded murderer. He bitterly attacked the characters of Thaw and his wife, referring to Evelyn as “the angel child,” who was “always ready to go to the human ogre who stripped her of her virtue,” and declared her story of her ruin by White was absolutely false.

Mr. Jerome lost no opportunity to sneer at the little wife’s tragic story and at the chivalry of her husband, and he paid his respects to Delmas’ sensational “Dementia Americana,” or unwritten law plea, by asking if it was the higher law under which a man may flaunt the woman through the capitals of Europe for two years as his mistress—and then kill.

The prosecutor warned the jury that it would be a violation of their oaths to consider "Dementia Americana," declaring it had no status on the Atlantic seaboard.

Mr. Jerome said: "This is simply a common, vulgar, everyday, tenderloin homicide." He denounced the plea of Attorney Delmas as "an appeal to the passions." There could, he said, be but one of four verdicts—murder in the first degree, murder in the second degree, manslaughter, or "not guilty because of insanity."

The prosecutor also made a stirring appeal in behalf of the slain architect, declaring that he had been villainously maligned. Mr. Jerome said it seemed to him that the voice of the murdered Stanford White was crying out to him, "Can't you say one word for me? Must I go down to the fires of hell unheard—undefended?"

William Travers Jerome, elected district attorney of New York on November 5, 1902, won a great reputation as a reformer and a foe of vice, gambling, crooked politicians, and every other evil. Before being elected prosecutor, on a fusion ticket which overwhelmed the corrupt Tammany hall machine, he was a justice of the court of special sessions in New York City.

As a private lawyer he was favorably known for the intense earnestness he put into the cases of his

clients. As a platform orator; a campaigner and a hustler for votes he had his name to make, and he made it. He was the bright, particular star of the campaign, and drew larger crowds and excited more enthusiasm from immense assemblies than any other speaker during the campaign.

William Travers son of the well-known Larry Jerome, grew from a puny baby to a boy too delicate to meet the rough-and-tumble life of public schools. He had a private tutor, and after he left the tutor's care he entered Amherst College. He remained there three years, and at the end of that time he left on account of poor health.

But it was not in the Jerome blood to stay downed. Next year William Travers Jerome entered Columbia College Law School, and was graduated in 1884.

After that he traveled considerably, practiced law a little and amused himself a little. By 1888 he was ready to settle down, and in that year three important things happened in his life. He was appointed Assistant District Attorney. He married Miss Hart, of Sharon, Conn. Lawrence Jerome, his father, died.

In the District Attorney's office Jerome made a reputation among the other assistants as a man who never gave up in the most thankless task, and as an embryo politician who never worked for his own pocket. Jerome has his failings and his friends, as well as his foes, know this well. His chief weakness

is a desire to say startling things. He has said several, the most remarkable being an attack on William C. Whitney and Boss Platt and the declaration that there was a plot hatched to either kill him or scratch him at the polls. Jerome was called to time on these propositions, and he retracted—but he did it without crawling. Jerome is too outspoken to be a successful politician. His aggressiveness and his fearlessness are admirable.

Mr. Jerome's speech was as follows:

"If it please your honor and gentlemen of the jury, you seem, as far as I can judge, to have been wandering through a weird deal of romance in the past few days. It is not on statements such as you have listened to that the life of a human individual on the one hand nor the safety of the community on the other depends.

"And important as it is that no human life shall be put out except justly, yet it is equally important that it be put out if justice demands it.

"As to this 'dementia Americana,' which 'prevails from the Canadian line to the Gulf of Mexico'—and mostly on the Gulf of Mexico—does it wait three years and glare at its enemy and then kill?

"Does this 'dementia Americana' flaunt the woman it loves for two long years through the capitals of Europe and then kill? 'Dementia Americana' never hides behind the skirts of a woman; 'dementia Americana' never puts a woman on the stand to lay bare her shame to protect it; no woman could in the category where 'dementia Americana' prevails.

"When I discharged those shots into his head," said Thaw, "I didn't know I was discharging shots. I didn't

know it was Stanford White. I didn't know I was killing him, nor did I know it was wrong.'

"It was wrong under the law. When the anarchists threw the bombs in Chicago they had no personal grievance against any of the four policemen who were killed. It is not a question whether the slayer justified himself, not the form of his own conscience. It is the law of the land that must be satisfied.

"Let me first deal with the dead man. A middle-aged man, care-gray already, a man with a wife and children, a man of position in the community, a man of genius. He comes into the life of this girl. He assists her and her family. Does he make a single insidious advance until the night mentioned here?

"Does he give her a single rich gift? Why, it was stipulated here that the gifts were trifles—a hat, a coat. Did he try to dazzle her with rich gifts? Did he try to see if she would yield to drink? No. Night after night at dinners he would tell her she could have but one glass of champagne. In the company of actresses, and those miserable persons about town who seem to think that the society of a chorus girl is the only one for them, did he not seek to protect her from them?

"This angel child, as Delmas depicted her—this chaste, good being, cannot recall the time within three months of it when this brute ruined her.

"When she could not fix the time of her life's wreck my learned friend from the Pacific slope concluded, 'Why don't you prove an alibi for Stanford White? The doors are thrown wide open.' When the people called Wittans to testify that there was no such drug as she described the door was closed. When Eichemeyer, the photographer, was called to fix the date of the event—it occurred the night of the day after this picture was taken—the door was closed.

"The learned judge ruled justly. I offered this not as new evidence, but to call the story of the 'angel child.'

"Maidens know well enough to appreciate the distinction between right and wrong—their blushes, their reserve, their shrinking would impress upon them indelibly the time when any such attempt is made to destroy their purity. Was she brought up more carefully than your own daughters?

"And yet she meets him again and again and again. She meets him eight or ten times at the tower. She meets him in the Twenty-fourth street place because she believed others would be there. And then all these subsequent attacks were attacks with liquor. After all these, there was marked for identification, with greatest ostentation, a number of letters written by Stanford White—this great ogre!

"And yet you will recall that on one occasion a Mr. P. called at the Twenty-fourth street house and found the angel child downstairs undressing.

"Was there one of these letters put in evidence? Is it credible that if a single one of these letters contained the slightest intimation of indecency that it would not have been put in evidence?

"Could there have been these successive ill-treatments month after month and yet not a single line in all those letters except words of tender appreciation? Contrast those letters with this, for instance: 'Men celebrated for licking toes,' the letter of this most modern St. George, who leads the angel child up to the true light. After days of description of the baseness and debauchery of Stanford White, it seems as if the spirit of Stanford White itself would have come here to say to Evelyn Thaw: 'What! Not one word of kindness—not one word to say for me?'"

Here Jerome's voice broke, his chin quivered, and he sobbed for a moment. Drying his eyes, he continued:

"The law will not allow it." (Jerome, still talking of

the spirit of White, added: "I am not on trial. I have no one here to speak for me.")

Jerome's eyes filled with more tears as he went on:

"'Can you not say one word for me? Only one word for me,' the spirit seemed to say."

The tears started down Jerome's face. He faced the jury, holding aloft the photograph taken by Eichmeyer—the one on the bear rug. Then he cried with evident feeling:

"'Can't you say for me something? On the stand she said, 'I know no one who was nicer or kinder than Stanford White, except for this one awful thing. He was exceptionally kind to me and to my family.'

"'Outside of this one thing he was a grand man. And when I said so to Mr. Thaw he said that only made Stanford White the more dangerous.'

"'He had a strong personality and had many friends, and they believed in him and could not believe anything bad about him. And even when they believed, they said: "Too bad. He is so good."'

"'Can there be any grander, better panegyric uttered than this by this girl on the stand. I am here not to defend Stanford White. That he had his faults, his gross faults, no one will deny.'

"'But there is a difference between the brute and the unchaste. Her own words have ruined this Jekyll and Hyde theory.'

"'Next time, Mr. Hartridge, that you take things and papers belonging to Evelyn Thaw out of a storage warehouse, take good care that you do not leave behind such a book as this.'

"'Can it be possible that now, at twenty-two, she could look back to the time when she was fifteen and pronounce so grand a panegyric upon a brute?'

"A wealthy man, finding, God only knows why, enjoyment in her company—see how young she seems today (pointing to Evelyn Thaw)—think how young she must have been then—that a rich man should have tried to help her is consistent with his conduct.

"That when she was told by the manager of the 'Florodora' company, to whom she had applied, that they were not 'running a baby farm'—that a man like Stanford White should have taken care of her and protected her—is certainly not inconsistent with the belief that her relations with him were pure.

"Again, it is consistent that their relations were not pure. This girl alone knows. But I submit this girl is not telling the truth. There is no proof of the wrongdoing."

At this point Jerome asked that a recess be taken. At the reconvening of court, Mr. Jerome resumed as follows:

"I have carefully laid out to you what we are here for in our respective duties. I have presented briefly as I could the facts that I have adduced.

"The head on which I am now dwelling is, 'What is the defense that the defendant makes to this formal charge?' I deem it necessary to dwell at some length on the character of the three persons who figure most in this case. However, much as we may disagree, we come back to the issue: 'Did he know the nature and quality of his act?'

"I did not know it was a self-cocking revolver and I did not know I walked toward Stanford White and I did not know it was against the law of the land to fire the shots.'

"In regard to the girl, we may esteem her, however much or little we may think of her veracity. Nothing can go out to her except our pity. If these things did not

occur, if she perjured herself it seems even more that she needs our pity.

"What chance did she ever have in life? Her father died early, her mother led a life of shifting about from place to place. We all know what life on the stage is. We all see some of it. Why do you suppose Garland, a married man, was following this girl about; why do you suppose even Thaw was pursuing her with flowers? This little girl knew something of life before she met Mr. White.

"Counsel for the defense speaks of her fatal gift of beauty. It is ever thus. We are all men of the world and we all pass along the great white way of this city and see its effects daily.

"Why do you suppose Garland was paying her attention? Why was Thaw sending her American Beauty roses? Why did he pursue her even to her home? I don't wish to speak too harshly of this mother. I will read what she says of Garland.

"'My mother was not entirely pleased with the relations of Mr. Garland.'

"What were the relations that caused the mother to make objection? They were very poor and the acquaintance of White and Garland was desirable. The girl, you know, was sent to school. The whole situation centered about the girl. It was she who, in the long run, brought about all these occurrences.

"Next time, Mr. Hartridge, that you take things and papers belonging to Evelyn Thaw out of a storage warehouse, take good care that you do not leave behind such a book as this."

Mr. Jérôme displayed a flexible leather-bound book in which there appeared a good deal of written matter. Jérôme then raised the diary, or book, and shook it before the jury. Mr. Hartridge objected at this point and said

that there was no evidence that he had taken the documents from the warehouse. Mr. Hartridge was overruled by Justice Fitzgerald. Jerome then read the one entry of the diary which had been admitted in evidence. It was:

“ ‘I jumped right in and proceeded to be good. The first thing I saw was my virtuous couch. I wonder how far I am from Rector’s—Rector’s and the Great White Way.’ ”

“Significant, I consider that, indeed I do,” said Jerome, and then continued reading from the girl’s school diary.

“ ‘These things have always been of that kind. Not one of them will ever be anything. Mrs. De Mille was very nice and agreeable.

“ ‘I was taken into the house and shown all the celerity of a soubrette and proceeded to get shy. When we drove up to the house Mrs. De Mille’s son came out smoking a pipe, and I must admit he is a pie-faced mutt.

“ ‘I was taken into the house and shown to my room. It is neither large nor small; has Japanese paper on the walls. There is a virtuous white bed, a girl’s bureau and a washstand.’ ”

Then Jerome went on:

“This shows that this child played one man against the other. She went to Paris on Thaw’s money with White’s letter of credit in her pocket. This child that believed not at all in the virtue of women—this child who had been in the ‘Florodora’ company—this child who had been yachting with Garland—this child who had been to the late suppers where risqué stories and intoxicated women prevailed. This child thought it was nothing to be a good mother—that she would rather become a great actress first, and she arrived in Paris fully convinced that there is no virtue in womankind, she being eighteen and a half at that time.

"This is the angel child described by Mr. Delmas. And then we are told that in Paris the child loved Thaw and in the greatness of her love renounced him and was willing to come back to the chorus and the studios. She made this renunciation and when she had done so she traveled about Europe with this St. George who had revealed to her that there was chastity in women, and then she leaves him for some reason, which I will dwell upon later, and comes to New York with his money.

"She arrives in this city on October 24, 1903, and is found a few days later in the office of Abraham Hummel in the company of Stanford White, the man who had so dreadfully ill-used her. If not another thing was found in that affidavit than the signature of Evelyn Nesbit, this date, which appears opposite that name, would be significant.

"The significant thing is that within twenty-four hours before she saw him on Sunday her great love had been undermined so that she deserted this man for the monster who had wrecked her life.

"By stories too evil to repeat, she says, she was turned against Thaw. And then, when he returned, she tells him of what she had heard about him, and he says, 'Poor little Evelyn. Somebody has deceived you.'

"And when I call her renunciation of this young man sublime I did not do so with a sneer. Such a renunciation, if it really occurred, is unparalleled in history.

"Great actress, indeed! She thought she could play upon you like so many children. Look at those pictures taken when she was sixteen years old—does she look anything like the way she appeared in court?

"She appears in these early photographs in a way which you could not allow a daughter of yours of sixteen to appear.

"She comes here in her little school-girl dress—her little white, turned-down collars, which cover all but the flowing ends of a pretty childlike bow-tie. She sits in the witness chair and tries to impress on you this assumed, youthful childishness.

"There she was a poor, wronged, orphan child, whom Thaw would take to his arms and protect. Sir Galahad took that angel child—took her from her mother and flaunted her through every capital of Europe. 'Dementia Americana'—the higher, unwritten law! Why, you may paint Stanford White in as black color as you wish, but there are no colors in the artists' box black enough to paint this Sir Galahad. Why should this Sir Galahad be abandoned by this girl? Why should she leave him? For some reason she did leave him. Why? Let us go into the Hummel affidavit.

"What do we find Thaw doing? We find him wrapping \$50 around American Beauty roses and sending them to her. Is that the course of honorable courtship?

"'Rector's, I know, is not the proper place for an innocent young person, but I always had a weakness for it.' (Mr. Jerome read from the diary.)

"'It is my ambition to see things and then settle down; but I want to be a good actress before I settle down to a humdrum existence.'"

Jerome again read from the diary of the girl, Evelyn Nesbit.

"'You have heard what took place in Paris—mother, daughter and Thaw were living together. Thaw asked her there to be his wife and she refused, and when he asked her why she said:

"'Because.' And he asked, 'Is it Stanford White?' and she said, 'Yes.' And then we are told she gave him the entire story.

"She had nothing ahead of her. There was a man she saw she loved. He offered her his wealth in return for that love. She laid it aside—all the comforts of life. Wasn't that a sublime resignation?

"He offered her a haven of rest—rest for the wanderer. And yet so great was that love for him that she would not accept him. Those were noble words for this man to say. This girl's renunciation was truly sublime—if true. She might not have known how Stanford White, like the brute negro of the South, would look upon his victim with passion, but she did not know that it was wrong.

"I don't think Hummel is an upright man, and he is in the position he is in just because I put him there. He will go to jail and he will stay there just as long as I can keep him there. He has lived as a blackguarding black-mailer for twenty years and anything coming from his hands must be viewed by you justly with suspicion.

"But Abraham Snydecker swore that he took that affidavit to Evelyn Nesbit there in the Madison Square tower and that she read it and signed it. Let us see what she herself says about that affidavit. The itinerary set down in the affidavit corresponds exactly with her description of it. Were all these things put in there by Hummel? Strange touches for this old blackmailing, blackguarding scoundrel to have put into that affidavit—such little touches as reference to a watch and to a hypodermic needle used for morphine, which she says she found in Thaw's trunk.

"I will concede that this story may have been dressed up by the lawyer. Can we think of the suggestions in her own testimony of the Ethel Thomas suit? Can we think of the rumors of Dillingham's story? Can we fail to remark upon that passage in his letter in which he says, 'He will never hurt you,' referring to himself?

"Snydecker says that affidavit was taken to the Twenty-seventh street studio and her signature appears exactly opposite the date.

"Strange that after her return from Europe—from Thaw—she should immediately have gone to him, to White.

"A knight of old, redressing the wrongs of injured maidens, would not have gone to Rector's at 2 o'clock in the morning, would not have gone to cakewalks and cafes, to the Dead Rat in Paris and resorts in other places, to remain there all night and go home when the market wakes.

"Almost within earshot of his wife he asked Smith—this knight of old asked:

"Would you like to meet a nice, buxom brunette? Are you much married? I am going abroad and I can put you next."

"Every element, gentlemen, in this case is simply an ordinary, mere, vulgar, every-day, Tenderloin, low, sordid murder.

"If this rich young man instead of being Harry Thaw, the son of a millionaire of Pittsburg, had been a poor Italian and his victim, instead of a man of artistic temperament, a maker of plaster casts, and a girl whom they quarreled about was a chorus girl in the London Theater, how long would brainstorms and paranoia have prevailed?

"Simply a mere, ordinary Tenderloin homicide. Because she has a pretty face and a child-like manner, she is coming here to tell a tissue of lies to prevent you gentlemen from putting a deliberate, cold-blooded murderer under ground.

"Will you gentlemen acquit a cold-blooded, cowardly, deliberate murderer on the ground of 'dementia Americana'?

"Thaw himself, the girl swore, accused her of having

resumed relations with White after she returned from Paris. Where does this man's conduct show aught that he did not know, the quality and nature of his act? We have the letters A to I. The girl says that at times in 1903 Thaw was drinking heavily."

Jerome argued that neither Thaw's letters nor his will indicated insanity, but rather showed that he possessed a knowledge of legal limitations. His letters he described as erratic and vulgar, the product of a rich illiterate." Jerome continued:

"He knew enough to automobile through Europe with this girl. He knew enough to warn Longfellow to be on the lookout for legal actions, and yet he did not know that when he shot White he was doing wrong. Even the codicil drawn in his own language runs in the legal way.

"Everything shows a sane mind. There is not a thing to indicate a crazy mind. There is evidence here that he consulted Roger O'Mara before he carried a revolver. He was afraid of the Monk Eastman gang.

"Is it such an unknown thing that a man should be followed by a gang of hirelings? Was the arrest and trial of the Monk Eastman gang in Jersey a few years ago a figment of imagination? Where was the delusion in that? How easy it is for a man of this kind to store away his 'dementia Americana' for three years! Where is the delusion in a man's believing that he is in danger from a gang?

"Don't let's blow hot and cold at the same time. In one breath we are told that there was such a gang hired, and then we are told it was all a delusion.

"There was such a gang—and I am sorry to have to admit there was.

"Why did he leave his money to the Society for the Suppression of Vice? Was that a delusion?

"And he says in a letter that they could find pictures in White's studio which were lewd, but perhaps within the law. Was that a delusion?

"Will you gentlemen acquit a cold-blooded, cowardly, deliberate murderer on the ground of 'dementia Americana'?"

"If the only thing that lies between every man and his enemy is a brainstorm, then let every man pack a gun. There are two things I want to say. They are: 'Vengeance is mine, saith the Lord,' and that other law that was thundered from Mount Sinai:

"'Thou shalt not kill!'"

“CHAPTER XXIV.

The Judge's Charge to the Jury—Thaw in Collapse.

JUSTICE FITZGERALD DEALS BLOW WHEN HE TELLS THE TWELVE “GOOD MEN AND TRUE” THEY MUST IGNORE THE “UNWRITTEN LAW”—READS THE STATUTE GOVERNING INSANITY AS A DEFENSE—BURDEN OF PROOF OF MADNESS PLACED ON THE DEFENDANT—TELLS WHAT VERDICTS MAY BE RENDERED—“YOU MUST BE GUIDED ENTIRELY ON THE EVIDENCE; CLAMOR, PREJUDICE, OR SYMPATHY MUST NOT PREVAIL.”

Upon the heels of District Attorney Jerome's closing address, Justice Fitzgerald dealt a terrific blow to the defense in his charge to the jury. Every word that he uttered seemed to the lawyers attending the trial to be a plea that the jurors ignore the most telling points of Delmas' address and confine themselves strictly to the facts and the law on the statute books, ignoring the “unwritten law.”

Thaw heard the charge with rapidly paling face, and he almost collapsed when the judge said that the defendant must prove his insanity before he could look for a verdict of acquittal. This charge and the bitter closing speech of Jerome so worked upon the feelings of Harry that he was in a sad condition when he was taken back to the prisoner's room. A call from his wife, however, cheered him up, and he said:

"Well, dearie, we must make the best of it, anyway. Cheer up, little girl, everything will come out all right."

The members of the Thaw family were low in spirits, especially when they heard that the keeper of the prisoners' room had said :

"The judge's cold-blooded charge has scared Harry half to death. He has finally been made to realize what he is 'up against.' "

The charge of Justice Fitzgerald was as follows :

"Gentlemen of the Jury, it now becomes my duty to give you such instructions as are necessary to enable you to perform your duty as jurors and to define for your information the legal principles by which you are to be governed in reaching your conclusion of the evidence.

"It is particularly gratifying to me that you were selected by the people and the defense as fair-minded men, after the examination of 337 men and the peremptory challenges on each side had been exhausted. The care with which you were severally selected to ascertain the condition of mind of each of you as an impartial juror must have impressed you with the spirit of justice. It must have impressed you with that spirit of justice with which the statutes regulating the acts of the orderly are governed.

"The admonition so frequently given at the close of the sessions of this trial were given in accordance with the law, that you might remain impartial. Let me impress on you the importance of the issue you are to decide.

"The life of the deceased was in the protection of the law and had been taken by the defendant. And the defendant is here to answer to the law for that.

"You must take the law absolutely from the court, but

of the facts you are the sole judges. A defendant to a criminal action is presumed to be innocent until the contrary can be proved, and in the case of a reasonable doubt he is entitled to it.

"Let me begin by instructing you on the law of homicide. The statute on homicide is divided into two divisions, which are again subdivided. The two chief divisions are homicide that is criminal and homicide that is not.

"Criminal homicides are classed as murder in the first degree, murder in the second degree and manslaughter in the first and second degree. Homicide unless it is excusable or justifiable is murder in the first degree, when committed with deliberate design to effect the death of the person killed.

"If committed with design to effect death without pre-meditation or deliberation, it would not constitute murder in the first degree but would constitute murder in the second degree. If committed without design to effect death in the heat of passion with a deadly weapon that would constitute manslaughter in the first degree.

"All lesser criminal homicides are embraced within the definition of manslaughter in the second degree.

"Homicides not criminal are classed as justifiable and excusable homicide. Homicide is justifiable when committed in the lawful defense of the slayer or his wife or child or master or servant or anybody connected with him in close relation.

"The defense here is that the defendant was insane at the time he committed the act and the law applicable in the defense of insanity is found in sections 20 and 21 of the Penal Code. Section 20 provides that an act done by a person who is an idiot, imbecile or lunatic is not a crime.

"But section 21 limits section 20 as follows:

"A person is not excusable from criminal liability as an idiot, imbecile, lunatic or insane person except upon proof that at the time of committing the alleged crime he was laboring under such a defect of reason as either not to know the nature or quality of the act or to know that the act was wrong."

"Before murder in the first degree can be done, a distinguished jurist has said, it must appear that there was some act of deliberation and premeditation. This, of necessity, is for the comprehension of the jury.

"If you are satisfied that there was a design to effect death, but without deliberation and premeditation, you may find murder in the second degree. The defendant may be convicted under this indictment of murder in the first or second degree or manslaughter in the first degree.

"When it appears that the defendant committed a crime and there is reasonable doubt of which degree he is guilty, he can be convicted of the lowest only.

"As I have tried to impress upon you since this trial began, the character of the victim furnishes neither excuse nor justification. The general character of the victim is not the issue, and no matter how bad he might have been he was entitled to the protection of the law.

"The personal avenger of private or public wrongs is not recognized under our law. Every person is under the protection of the law. Good or bad, exalted or humble, all are alike covered by its shield.

"The plea of not guilty is a denial of every material allegation charged against the defendant, and such evidence may be presented as will offset these allegations and establish his insanity at the time of the commission of the act.

"The law presumes that sanity is the normal condition

of man, and wherein insanity is the plea that becomes the crucial question for the jury to decide.

"If there existed in the mind of the defendant an insane illusion it is not an excuse unless the illusion is of such a character that if true it would result in his injury.

"Proof of partial or incipient insanity is not sufficient as an excuse. The settled law of the state is that so long as that power to appreciate the nature and quality of the act is present no man must commit crime if he would escape the consequences.

"Under the rules of evidence the story, claimed by the defendant prior and subsequent to this tragedy and prior is admitted, not as affecting the character of the deceased, but that you might consider what effect such a story had on the defendant's mind.

"In considering her story, her credibility as a witness is highly material, and everything that she has said or done must be taken into consideration. Her admissions regarding the relations existing between herself and the defendant prior and subsequent to this tragedy and prior to her marriage or any other act should be weighed in connection with her story.

"A wide latitude was allowed on cross-examination. You should give due credit to all that was developed along with other facts.

"There has been no denial entered here that death resulted from pistol shot wounds inflicted by the defendant. He committed the act. It was not incumbent upon the prosecution to introduce preliminary testimony to show that he was sane. The burden of proof is upon the defense. Whoever denies sanity must prove that insanity is present. The burden of proving a crime is on the prosecution, but the burden of overthrowing sanity is on the person claiming it.

"The hypothetical questions which were answered by the experts assumed certain facts and the answer was only the opinion of the expert on those assumed facts.

"You are not obliged nor are you permitted to accept opinions as you would facts. In considering the testimony of medical experts, you are to consider their experience and knowledge, and you should consider the quality of the medical testimony and not its quantity.

"The so-called irresistible impulse has no place in the law and is not an excuse, nor is every person of a disordered mind excused. While the burden of proof of insanity is on the defendant, he is also entitled to every reasonable doubt on the subject. If the defendant knew the nature or the quality of his act, or knew that the act was wrong, then he committed a crime.

"As to the distinction between reasonable doubt and a possible doubt you were thoroughly examined when you were about to become jurors.

"The law does not require that the prosecution shall efface every possible doubt.

"It only requires that the prosecution shall go beyond a reasonable doubt. Nothing in this world is beyond all doubt. The defendant is entitled to every reasonable doubt and that is all.

"You may in this case, let me say once more, find the defendant guilty of murder in the first degree, guilty of murder in the second degree or guilty of manslaughter in the first degree.

"If you vote for acquittal on the ground of insanity you may state that ground in your verdict.

"You must be guided, gentlemen, entirely on the evidence. Clamor, prejudice or sympathy must not prevail. You must be guided by your reason and your judgment."

The case was given to the jury immediately upon the conclusion of the reading of the charge, and at 5:15 p. m., Wednesday, April 10, 1907, the jury was locked up to begin its deliberations.

CHAPTER XXV.

Deliberations of the Jury.

TWELVE MEN UNABLE TO REST OR SLEEP, HAVE HARD TIME
—ANY ONE OF SIX VERDICTS COULD BE GIVEN.
SAID LAWYERS—THAW GLOOMY—VISITED BY WIFE—
MOTHER WORN OUT BY ANXIETY—JURORS HAVE PART
OF EVIDENCE READ AND RETURN FOR MORE BALLOTING
—EVELYN ALMOST MOBBED BY CROWD—VARIOUS
RUMORS AFLOAT.

From the moment they left the court room, the jurors had a hard task before them. The situation was complex. According to legal experts there were six verdicts from which a logical choice could be made, as follows:

1. Murder in the first degree, the penalty for which is death.
2. Murder in the second degree, the penalty for which is life imprisonment.
3. Manslaughter in the first degree, the penalty for which is imprisonment for twenty years.
4. Manslaughter in the second degree, punishable by fifteen years' imprisonment.
5. Not guilty, on the ground that the defendant was insane at the time of the shooting.
6. Not guilty, without any explanation.

When the jury went out. Justice Fitzgerald ex-

pected a verdict soon, and remained in the court room until 11 p. m., ready to receive it. At that hour no word had come from the jury, and the judge ordered the twelve men locked up for the night. Thaw's cheerfulness had entirely disappeared, and it was plain that he was in a mood of deepest gloom as he was led back into the prisoner's pen. There his wife visited him for a short time, endeavoring to cheer him, and then she went to dinner at a near-by restaurant with Dan O'Reilly, a member of Thaw's counsel, not wishing to be away from her husband if a verdict should be returned.

In spite of District Attorney Jerome's masterly speech, the members of the Thaw family had a faint hope for an immediate verdict, and remained in the courtroom for half an hour. Finally it became apparent that their stay was useless. Mrs. William Thaw, worn out with anxiety, was forced to go to her hotel.

Though the long delay seemed to many close observers to preclude a verdict of acquittal, it was taken as indicating that a verdict of guilty also could not be reached, and the impression began to gain that there would be a disagreement, which would render the twelve weeks' trial useless.

Members of Thaw's family were fearful, however, lest under Justice Fitzgerald's charge the jury might bring in a verdict for one of the lesser degrees of murder or for manslaughter as outlined by the court.

One of the prison guards with Thaw received word from his home that his little girl, who had been ill for several days, was dying. Thaw turned to him and expressed the greatest sympathy.

"You are in a worse predicament than I am," he said to the guard, "and I am very sorry."

When Justice Fitzgerald re-opened court the next morning he sent a bailiff to ask Foreman Smith if the jury had reached a verdict. "No, we have not," was the only reply.

At 11 a. m. the second day the jury sent word it would come into court for further instructions.

A moment later they filed in, headed by Deming B. Smith, their foreman. Nobody needed to be told that they had sat up all night. They looked it. The look of weariness and anxiety and sleepiness was all over them, but they did not look like men who were ready to quit. They looked like men who knew the gravity of their task and who were determined to discharge it properly if there was any way of doing it.

Justice Fitzgerald came in a moment later and as soon as he had taken his seat Clerk Penny advanced to the rail and said in the quiet manner he might use in asking for a glass of water: "Harry K. Thaw to the bar."

There was a brief delay, then the pen door opened and Thaw came in ahead of a prison keeper and took his place, smiling a trifle at his wife and mother.

Thaw's relatives had been in the building an hour or so before the jury came in. They all bore themselves in the same impassive manner. Grave they were, but none of them appeared in the least excited. Evelyn Thaw herself looked as if she has passed a wretched night. She was paler than usual and her eyes looked as if she might have been weeping. District Attorney Jerome and Assistant District Attorney Garvan were in their usual places, as also were all of the prisoner's counsel.

Justice Fitzgerald, in taking the bench, said:

"I have received a request from the jury to be allowed to examine and have possession of the following exhibits:

"1. The plan or diagram of Madison Square garden.

"2. Exhibits A to I—the letters from Thaw to Attorney Longfellow.

"3. The will and codicil.

"4. The Comstock letter.

"5. Mr. Delmas' hypothetical question.

"6. Mr. Jerome's hypothetical question."

"The people have no objection," said Mr. Jerome.

"The defense has none," said Mr. O'Reilly of Thaw's counsel.

Foreman Smith stated that the jury desired not only the typewritten copies of the Thaw letters, will and codicil, but the originals as well. The papers

were gathered together by Clerk Penny and made into a bundle.

The reading of the testimony of Policeman Dennis Wright and John Anthony and Peter Barrett, doormen of the Nineteenth precinct police station, followed.

Meyer Cohen's testimony had been largely a personal demonstration by himself of Thaw's attitude after the shooting and his manner of approaching Stanford White. Henry S. Plaise was with Cohen the night of the tragedy.

Finally the jury asked to hear again the testimony of the doormen on duty at the Tenderloin precinct police station the night of Thaw's arrest and who gave testimony as to the defendant claiming to hear the voices of young girls.

Juror Pink, who undoubtedly was in very bad shape, delayed the reading of the testimony to the jury by asking permission to retire for a few minutes. He tottered from the room accompanied by an officer and seemed near a collapse.

After an absence of five minutes he resumed his place in the jury box, looking very pale and tired.

Lastly the jurymen asked to have read to them the testimony of Evelyn Thaw so far as it related to the shooting, the testimony of Thomas McCaleb as to where the party was sitting on the roof garden, and the testimony of Dr. Allen McLane Hamilton so far as it was allowed before the jury.

Foreman Smith also asked to have read that portion of Justice Fitzgerald's charge relating to the testimony of Drs. Evans and Wagners.

After hearing a review of the evidence for two hours and a half the jury retired to its room at 1:30 for a luncheon and further balloting.

Evelyn Thaw was almost mobbed by the hundreds of curious persons outside the courthouse as she left the building to go to luncheon with Attorney Dan O'Reilly. Evelyn separated from the other members of the family at the door and started to walk to a restaurant in Franklin street.

The crowd surged about her by the hundreds, growing constantly with every foot traversed. Several policemen rushed to her assistance, but they were unable to keep back the mob, which crowded about her close enough to touch her garments.

When she had entered the restaurant hundreds took up their station outside to await her appearance.

When the other members of the Thaw family left the building it required several policemen to protect them from the curious ones.

Nothing further was heard from the jury room the second day. The twelve men were taken out to a meal early in the evening, and Justice Fitzgerald, after awaiting a verdict until 11 p. m., orders the jurors locked up for the night. Thirty-one hours of deliberation had passed then.

This was the second night that the jury has been locked up in the bare jury room, whose only furniture was a long table and some hard chairs. Contrary to what has occurred at many other famous murder trials no information leaked out of the jury room regarding the attitude of the jurors towards conviction or acquittal that could be regarded as in the least reliable.

Various rumors were afloat. Most of them had it that the jury stood 10 to 2 or 9 to 3 for conviction, but on investigation it provided that all of the rumors were nothing better than guesses.

Soon after it was announced that the jury was to be shut up for the night. Thaw was taken from the pen back to his cell. As he left the pen he handed out to the reporters this note:

"It is a great satisfaction that all of my family continue well. I regret that so many officials and others have so much extra work."

On the morning of Friday, April 12, rumor had it that nine of the jurors had agreed to find Thaw guilty of one in these three degrees:

Murder in the second degree; penalty, life imprisonment.

Manslaughter, first degree; penalty, twenty years' imprisonment.

Manslaughter, in the second degree; penalty, fifteen years' imprisonment.

The nine, it was reported, were veering most strongly to manslaughter in the first degree and the three holding out for acquittal.

At noon the crowd about the courthouse was so great that traffic was practically stopped. More than 5,000 people gathered about the building and when a rumor that any member of the Thaw family was about to leave the building they surged from one corner to another, sweeping the few policemen who were trying to preserve order almost off their feet.

A call for reserves from several nearby precinct stations was responded to by half a hundred men, who were distributed on both of the streets on all four sides of the building.

Inspector McClusky issued orders that no crowd was to be permitted to congregate. No one was allowed to stand on the sidewalks, all of the curious being obliged to keep moving.

The jury did not go out to luncheon, but had its meals sent in, and this added strength to the rumors that a verdict was near.

CHAPTER XXVI.

Ending of the Trial—Jury Disagrees.

AFTER HAVING DELIBERATED MORE THAN FORTY-SEVEN HOURS, THE TWELVE JURORS ARE FAR APART IN THEIR OPINIONS—LAST BALLOT SHOWED SEVEN FOR CONVICTION FOR MURDER IN THE FIRST DEGREE, WITH DEATH AS PENALTY, AND FIVE FOR ACQUITTAL—THAW ALMOST COLLAPSES—EVELYN BEARS UP IN COURT BRAVELY, BUT IS OVERCOME LATER—THAW BACK TO CELL IN TOMBS PRISON.

After having been out forty-seven hours and eight minutes, the Jury at 4:25 p. m., April 12, 1907, filed into the court room, and at exactly 4:31 announced a disagreement and was discharged.

The disagreement was unexpected, as the fact that the twelve men had not asked for further instructions led to the belief that the minority were being won over to the views of the majority.

News that the jury was about to report was taken to Justice Fitzgerald by a bailiff, and Attorneys Deltmas, Jerome, and the other lawyers in the case were summoned at once, while Harry Kendall Thaw was brought from the prisoner's room to face the panel.

After Justice Fitzgerald had taken his seat on the bench the jury was polled and then ordered to stand up. Thaw was also commanded to rise, and the clerk asked him to look upon the jury.

The usual formality of "Jury, look upon the defendant, defendant look upon the jury," followed and the clerk asked the foreman if they had agreed upon verdict.

"We have not" replied the foreman. Justice Fitzgerald thereupon told them that as they had failed to agree he would discharge them. The jurors quickly left the court room and Thaw sank back in his chair, almost overcome with disappointment. Evelyn Thaw and the defendant's mother bore up bravely and on leaving the court house hurried over to the Tombs, to see Harry, who was taken there in a few minutes.

Mrs. William Thaw's face was hidden behind a heavy black veil. She sat with her daughters, the Countess of Yarmouth and Mrs. George L. Carnegie, and all began to weep as soon as the verdict was announced. Evelyn Thaw, sitting beside her husband, uttered a little shriek and then turned deathly pale, almost collapsing. She revived quickly, however, and begged the bailiff to be allowed to follow her husband out of the court room. Thaw himself uttered not a word, and made no sign of his great disappointment. He turned extremely pale, however, and was so weak that two guards had to support him on the way to the Tombs.

Soon after Thaw was placed in the Tombs his wife arrived.

"My dear, my dear," she sobbed. I am so sorry—so sorry," and then she collapsed utterly.

Shortly after the jury had been discharged it was stated that the final vote stood: Seven for conviction of murder in the first degree, with death in the electric chair as the penalty, and five for acquittal. Reports as to the earlier votes varied greatly—in fact, hardly two jurors told the same story, but it was admitted that the division throughout was, on most of the ballots, about half for acquittal and half for conviction, although the degree favored by those who demanded punishment from Thaw varied considerably.

Estimates made as to the expense of the trial attracted nearly as much attention as did the probable outcome of the long hearing.

Apparently authentic estimates indicated that the trial cost considerably over \$300,000. Of this sum, it is estimated probably \$235,000 had been spent by the Thaw family, while the expense to the state had been in the neighborhood of \$80,000.

At the district attorney's office it was stated that the trial had not cost the county over \$30,000. This does not include salaries and such expenses as come out of the general sessions fund. Conservative estimates gave \$80,000 as probably the minimum cost to the state.

The expense Thaw had incurred in his own de-

fense was estimated as high as \$1,000,000. As a matter of fact he had probably not spent over \$235,000. Neither Thaw nor any of his relatives could tell exactly, however, what the defense had cost.

Thaw's alienists, it was said, cost him \$45,000, and his attorneys \$145,000. To offset his expenses, the jurors who listened to the long drawn out trial, paid at the rate of \$2 a day, got only \$1,536 for their combined services.

As soon as the verdict was announced, District Attorney Jerome, declared he would rush preparations for a new trial. He was smiling; Delmas was heart-broken.

The day after the trial ended, the jurors stated the final ballot was as follows:

For Conviction—7. Murder in the first degree. Deming B. Smith, foreman, George Pfaff, Charles H. Fecke, Harvey C. Brearley, Chas. D. Newton, Joseph H. Bolton, Bernard Gerstman.

For Acquittal—5. On the ground of insanity. Oscar A. Pink, Henry C. Harney, Malcom F. Fraser, John S. Dennee, Wilbur F. Steele.

Eight ballots were taken by the jurors during their deliberations, with the following results:

First Ballot—Eight for conviction on the charge of murder in the first degree and four for unqualified acquittal.

Second Ballot—Eight for murder in the first degree and four for acquittal.

Third Ballot—Eight for first degree murder and four for acquittal.

Fourth Ballot—Seven for murder in the first degree, one for manslaughter in the first degree and four for acquittal.

Fifth Ballot—One for murder in the first degree, six for manslaughter in the first degree and five for acquittal.

Sixth Ballot—One for murder in the first degree, six for manslaughter in the first degree and five for acquittal.

Seventh Ballot—One for murder in the first degree, six for manslaughter in the first degree and five for acquittal.

Eighth Ballot—Seven for murder in the first degree and five for acquittal on the ground of insanity.

THE END.

Chronological Story of the Thaw Trial.

June 25, 1906—Thaw killed Stanford White.
June 28, 1906—Indicted by grand jury.
Jan. 21—Case set for trial.
Jan. 23—Trial began.
Feb. 1—Jury completed.
Feb. 4—State presented its testimony.
Feb. 4—Defense introduced its first witness, a minor character.
Feb. 7—Evelyn Nesbit Thaw, wife of the defendant, called as a witness.
Feb. 11—Dr. C. C. Wiley, expert on insanity called by defense and severely cross-examined by District Attorney Jerome.
Feb. 12—Delphin Michael Delmas assumed full charge of the defense.
Feb. 12—Dr. Britton D. Evans, chief medical expert for the defense, called to the witness stand.
Feb. 14—Trial delayed by the death of Juror Belton's wife.
Feb. 19—Evelyn Nesbit Thaw recalled.
Feb. 20-26—Evelyn Nesbit Thaw cross-examined.
Feb. 27—Evelyn Nesbit Thaw recalled by defense.
Feb. 28—Dr. Evans cross-examined.
March 6—Mrs. William Thaw, mother of the defendant, testified.
March 7—Trial delayed by death of a relative of Justice Fitzgerald, presiding judge.
March 8—Defense rested.
March 11—State began rebuttal testimony.
March 12—State called James Clinch Smith, brother-in-law of Stanford White.
March 15—Thaw declared sane by state's experts.
March 18—Court admitted the Abe Hummel affidavit in which Evelyn Nesbit is alleged to have denounced Thaw.
March 20—District Attorney Jerome asked court to appoint a commission in lunacy to examine Thaw.
March 21—Lunacy commission appointed.
April 4—Lunacy commission pronounced Thaw sane.
April 8-9—Attorney Delmas made his plea to the jury.
April 10—District Attorney Jerome closed for the state.
April 10—Justice Fitzgerald read his charge to the jury.
April 11—Jury called for rereading of evidence after having retired.
April 12—Jury announced disagreement, and was discharged.

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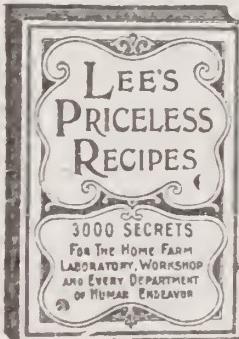
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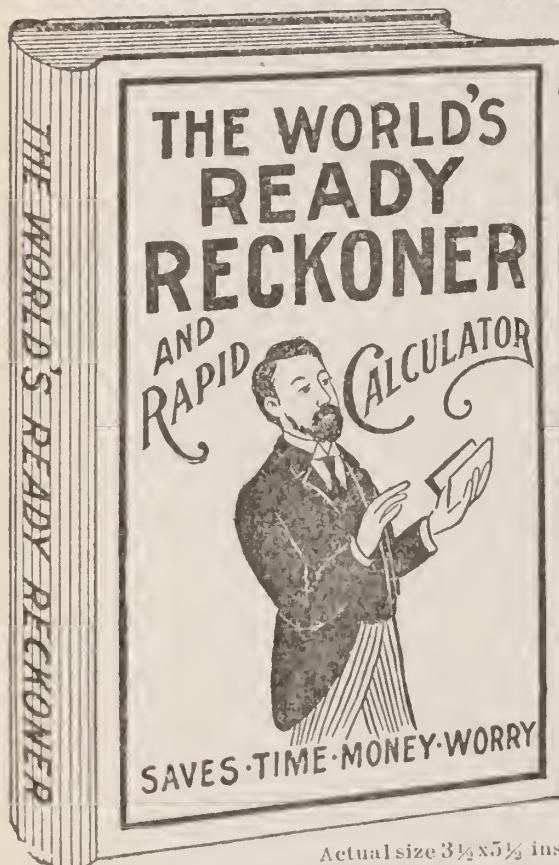
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